



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OP, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of possession, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord stated that he personally served copies of the Application for Dispute Resolution and Notice of Hearing to the tenant, at the rental unit on September 10, 2009 at approximately 3:30 pm.

These documents are deemed to have been served in accordance with section 89 of the *Act*, however the tenant did not appear at the hearing.

Preliminary Matter

At the start of the hearing the landlord testified that on September 27, 2009 the tenant moved out of the rental unit and returned the keys. As the landlord now has possession of the rental unit, the portion of the application requesting an Order of possession has been withdrawn.

The landlord stated that they would also like to claim loss of rent revenue for the month of October, 2009 and that they have amended their Application. There is no evidence before me that the landlord has made an amended application to request compensation for damages and/or loss. Therefore, the landlord is at liberty to reapply for dispute resolution requesting compensation for loss and/or damages.

Issue(s) to be Decided

Is the landlord entitled to monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?



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Page: 2

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Background and Evidence

The tenancy agreement requires the tenant to pay monthly rent of \$900.00. The landlord testified that the tenant did not pay one half of rent owed in September.

The landlord stated that the tenant moved out of the rental unit on September 27, 2009, in response to a 10 Day Notice for Unpaid Rent.

Analysis

In the absence of evidence to the contrary, and in the absence of the tenant, I find that the tenant did not pay \$450.00 of the rent owed for September 2009 and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$500.00, which is comprised of \$450.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution and I grant the landlord a monetary Order in that amount. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 26, 2009.

Dispute Resolution Officer