

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order for unpaid rent and to recover the filing fee for the Application.

Although duly served with the Application for Dispute Resolution and Notice of Hearing in person on July 15, 2009, the Tenant did not appear. Based on the affirmed evidence of the Landlord, I find the Tenant has been served in accordance with the Act.

### Issue(s) to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

### Background and Evidence

Based on the affirmed testimony and the evidence provided by the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy for unpaid rent on March 15, 2009.

The Tenant vacated the property, however, he did not pay the Landlord in full for the rent monies due, nor did he pay the outstanding utility bill.

At the end of the tenancy the Tenant signed a condition inspection report allowing the Landlord to keep the security deposit. The Landlord did not receive the Tenant's forwarding address and had to search for the Tenant for sometime, prior to locating the Tenant.

The Landlord claims for \$4,125.00 in unpaid rent and \$193.42 for unpaid utilities.

### Analysis

Section 67 of the Residential Tenancy Act states:

Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

Based on the uncontradicted testimony and evidence, and on a balance of probabilities, I find that the Tenant breached the Act and tenancy agreement by not paying rent and utilities to the Landlord.

Therefore, I find that the Landlord has established a total monetary claim of **\$4,368.42** comprised of the above described amounts and the \$50.00 fee paid for this application.

I order that the Landlord retain the deposit and interest of **\$928.45** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$3,439.97**.

This order may be filed in the Provincial Court (Small Claims) 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: November 03, 2009.

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Dispute Resolution Officer