



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR, MNSD. FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for 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 provided affirmed testimony that on October 9, 2009 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant at the forwarding address provided by the tenants on August 4, 2009 during the move-out condition inspection. The landlord stated the tenants were served via registered mail at the address noted on the Application. The landlord testified that the Canada Post web site showed that attempted delivery of the letters occurred and that notices were left for pick-up of the mail at the post office. The landlord testified that on November 5, 2009 the web site shows that each of the registered mail packages were refused by the recipients at the Saanichton Station post office and subsequently returned to the landlord.

These documents are deemed to have been sufficiently served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy started on June 20, 2008, rent was \$1,250.00, due on the first day of the month. On June 13, 2008, the tenants paid a deposit in the sum of \$625.00.

On August 4, 2009 the male tenant signed a move-out condition inspection agreeing that the landlord retain the deposit in partial satisfaction of unpaid July 2009 rent. The landlord is claiming the balance of unpaid July rent in the sum of \$625.00.

Analysis

I find, pursuant to section 67 of the Act, that the tenants failed to pay the full amount of July 2009 rent and that the landlord is entitled to compensation in the sum of \$625.00.

As the landlord's claim has merit I find, pursuant to section 72(1) of the Act, that the landlord is entitled to filing fee costs in the sum of \$50.00.

Conclusion

I find that the landlord established a monetary claim, in the amount of \$675.00, which is comprised of unpaid July 2009 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 tenants do not comply with this Order, it may be served on the tenants, 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: February 03, 2010.

Dispute Resolution Officer