

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlords for an Order of Possession, a monetary order for unpaid rent, and for an order to recover the filing fee from the tenant for the cost of this application. Despite having been served with the application for dispute resolution and notice of hearing by Registered Mail on February 19, 2010, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlords applied to amend their application to include a monetary amount for unpaid rent for the month of March, 2010, which application is allowed. Further, the landlords have withdrawn their application for an Order of Possession, as the tenant vacated the unit.

Issues(s) to be Decided

Are the landlords entitled to a monetary order for unpaid rent?

Background and Evidence

This tenancy began on February 7, 2008. Rent in the amount of \$1,100.00 is payable in advance on the first day of each month, and a pro-rated amount was paid for the month of February, 2008. The tenant vacated the unit on or about March 17, 2010. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$550.00. The landlords testified that rent for several months have not been paid, and on January 10, 2010 the landlords served the tenant with a notice to end tenancy for non-payment of rent. The following chart represents the payments owed and made for rent since March, 2009 as testified by the landlords:

DATE DUE	AMOUNT DUE	AMOUNT PAID	DIFFERENCE	ARREARS
March 2009	\$1,100.00	0.00	\$1,100.00	\$1,100.00
April 2009	\$1,100.00	0.00	\$1,100.00	\$2,200.00
July 2009	\$1,100.00	0.00	\$1,100.00	\$3,300.00
August 2009	\$1,100.00	\$600.00	\$500.00	\$3,800.00
November 2009	\$1,100.00	0.00	\$1,100.00	\$4,900.00
December 2009	\$1,100.00	0.00	\$1,100.00	\$6,000.00
February, 2010	\$1,100.00	0.00	\$1,100.00	\$7,100.00
March, 2010	\$1,100.00	0.00	\$1,100.00	\$8,200.00

The landlords stated that the tenant is a seasonal construction worker, who promised to make up payments. They also testified that they spoke with the tenant's boss, who told them that the tenant was given a cheque for \$7,400.00 in January, 2010 to bring his rent arrears up to date, but none of that money was given to the landlords.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

The landlords did not apply for an order to retain the security deposit in partial satisfaction of the claim, and I make no orders with respect to the security deposit.

Conclusion

As for the monetary order, I find that the landlord has established a claim for \$8,200.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant

the landlords an order under section 67 for the balance due of \$8,250.00. This order may be filed in the 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: March 22, 2010.

Dispute Resolution Officer