

## **DECISION**

Dispute Codes OPR, MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a Monetary Order to recover unpaid rent, and to recover the filing fee. At the outset of the hearing the landlord stated that the tenant has moved out of the rental unit and therefore he withdraws his application for an Order of Possession.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on February 19, 2010. Mail receipt numbers were provided in the landlord's documentary evidence. The tenant was deemed to be served the hearing documents on February 24, 2010 the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*.

All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

- Is the landlord entitled to a Monetary Order to recover unpaid rent?

### Background and Evidence

This tenancy started on August 15, 2009. This was a fixed term tenancy for one year and was due to expire on July 31, 2010. Rent was \$760.00 per month due on the 1<sup>st</sup> of each month. The tenant paid a security deposit of \$380.00 on August 07, 2009. The tenant did not pay rent for February, 2010 and a 10 Day Notice to End Tenancy was issued on February 03, 2010 with a move out day of February 13, 2009. This Notice was posted to the tenants' door and was witnessed by the assistant manager. The tenant did not pay the rent or apply for Dispute resolution. The tenant did not pay rent for March, 2010 and left the property on March 30, 2010.

### Analysis

The tenant did not appear at the hearing held today despite having been given opportunity to do so; in the absence of any evidence from the tenant, I find that the landlord is entitled to recover rent arrears for February and March, 2010 of \$1,520.00 pursuant to Section 26 of the Act which states that a tenant must pay rent on the day it is due. As the landlord has been successful in this matter, he is also entitled to recover the \$50.00 filing fee for this proceeding.

The landlord will receive a monetary order for the balance owing as follows:

Outstanding rent for February 2010	\$760.00
Filing fee	\$50.00
Total amount due to landlord	\$1,570.00

### Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$1,570.00**. The order must be served on the respondent and is enforceable through the Provincial Court 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: April 01, 2010.

---

Dispute Resolution Officer