

DECISION

Dispute Codes:

OPR, 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 an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony stated that on March 29, 2010, both tenants attended at the house to retrieve their mail and that the Notices was included with the mail package that the landlord had for each tenant. The landlord told the tenants that the Notice and required documents were in their mail package she handed to them.

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

The landlord withdrew the request for an Order of possession as the tenants moved out on March 1, 2010.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on November 1, 2009; a deposit has not been paid. The rent was \$600.00 per month and increased effective January 1, 2010, to \$800.00 per month. The tenant's paid \$800.00 on January 1, 2010, and paid \$600.00 for February, 2010.

The landlord stated that on February 13, 2010, a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of February 26, 2010, was served by posting to the door of the rental unit. The Notice indicated that the Notice would be automatically cancelled if the landlord received \$200.00 within five days after the tenants are assumed to have received the Notice. The Notice also indicated that the tenants were presumed to have accepted that the tenancy is ending and that the tenants must move out of the rental by the date set out in the Notice unless the tenants filed an Application for Dispute Resolution within five days.

The tenants moved out three days after the effective date of the Notice.

The landlord is claiming the portion of unpaid rent for February , 2010, in the sum of \$200.00.

Analysis

In the absence of evidence to the contrary, I find that the tenants were served with a Notice to End Tenancy that required the tenants to vacate the rental unit on February 26, 2010, pursuant to section 46 of the Act.

In the absence of evidence to the contrary, I find that the tenants did not pay the outstanding rent owed for February in the sum of \$200.00 and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and 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 \$250.00, which is comprised of \$200.00 in unpaid February, 2010, rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$250.00. 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: May 03, 2010.

Dispute Resolution Officer