



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened 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 Tenant for the cost of this Application for Dispute Resolution. At the hearing the Agent for the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the female Tenant, via registered mail, at the service address noted on the Application, on June 21, 2010. The Landlord submitted a copy of Canada Post documentation that corroborates this statement. These documents are deemed to have been served on the female Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the female Tenant did not appear at the hearing.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the male Tenant, via registered mail, at the service address noted on the Application, on June 21, 2010. The Landlord submitted a copy of Canada Post documentation that corroborates this statement. These documents are deemed to have been served on the female Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the male Tenant did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord stated that this tenancy began on April 01, 2009; that the Tenant is required to pay monthly rent of \$820.00 on the first day of each month; that the Tenant paid a security deposit of \$397.50; and that the tenancy ended on June 30, 2010.

The Agent for the Landlord stated that the Tenant still owes \$320.00 in rent for May of 2010 and \$820.00 in rent for June of 2010. She stated that the Landlord is not seeking compensation for rent for July of 2010, as the Tenants vacated the rental unit prior to July 01, 2010.

The Agent for the Landlord stated that the Landlord would like to apply the security deposit to the outstanding debt.

Analysis

I find that the Tenants entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$820.00 on the first day of each month. Section 26(1) of the *Act* requires tenants to pay rent to their landlord.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants have not paid \$320.00 in rent for May and \$820.00 in rent for June of 2010. As they are required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenants must pay \$1,140.00 in outstanding rent to the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenants for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,190.00, which is comprised of \$1,140.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Pursuant to section 72(2) of the *Act*, I hereby authorize the Landlord to retain the Tenants' security deposit, in the amount of \$397.50, in partial satisfaction of the monetary claim.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$792.50. In the event that the Tenants do not comply with this Order, it may be served

on the Tenant, 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: August 12, 2010.

Dispute Resolution Officer