

## **DECISION**

### **Dispute Codes:**

MNR, MNDC, 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, damages to the rental unit 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 May 6, 2010, copies of the Application for Dispute Resolution and Notice of Hearing were sent via registered mail to the forwarding address provided to him in mid-April, 2010, by the tenant. A Canada Post tracking number was provided as evidence of service. The landlord had checked the Canada Post web site and confirmed the tenant signed accepting the mail. The tenant also telephoned the landlord sometime around May 10, to confirm she had received the Notice.

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 is currently undertaking repairs to the rental unit and has not yet completed the work. At the start of the hearing the landlord withdrew his claim in relation to

compensation for damage to the rental unit. The Landlord is at liberty to reapply claiming compensation for damage or loss.

#### 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 landlord submitted a copy of the fixed-term tenancy signed on July 1, 2009, ending June 30, 2010. Rent was \$2,600.00 per month, due on the first day of each month. This was one of 3 residences that the tenant had rented from the landlord.

The tenant moved out of the rental unit on approximately March 10, 2010.

The tenant has not paid any rent since October, 2009 and the landlord has claimed compensation for unpaid rent from November 2009 to March, 2010, inclusive, in the sum of \$13,000.00.

The landlord initially paid a \$50.00 filing fee and was then charged another \$50.00 against his credit card, as his claim exceeded \$5,000.00.

#### Analysis

Based on the evidence before me and in the absence of the tenant, who was served with Notice of this hearing, I find that the landlord is entitled to compensation for unpaid rent from November 2009 to March, 2010, in the sum of \$13,000.00.

I find that the landlord's application has merit, and I find that the landlord entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord is at liberty to submit an Application claiming compensation for damage or loss under the Act.

### Conclusion

I find that the landlord established a monetary claim, in the amount of \$13,100.00, which is comprised of unpaid rent from November 2009, to March, 2010, inclusive and \$100.00 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 for \$13,100.00. In the event that the tenant does 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.

The landlord withdrew his claim for compensation for damage or loss and is at liberty to reapply.

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: September 15, 2010.

---

Dispute Resolution Officer