

Decision

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order as compensation for unpaid rent / and recovery of the filing fee. One of the landlords participated in the hearing and gave affirmed testimony.

Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the “hearing package”) by way of registered mail at her workplace, the tenant did not appear. Included in the landlords’ documentary evidence is a copy of the printout from the Canada Post website which confirms that the hearing package was “successfully delivered.”

As the tenant vacated the unit subsequent to the filing of this application, the landlord withdrew the aspect of the application concerning an order of possession.

Issues to be decided

- Whether the landlords are entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on November 15, 2009. Monthly rent in the amount of \$1,100.00 was payable in advance on the first day of each month. There is no documentary evidence before me to confirm that a security deposit was collected.

Arising from rent which remained overdue for payment on September 1, 2010, the landlords issued a 10 day notice to end tenancy for unpaid rent dated September 21, 2010. Thereafter, there were installment payments made toward rent.

By way of handwritten letter to the landlords dated December 1, 2010, the tenant gave notice of her intent to vacate the unit on December 15, 2010. The landlord confirmed during the hearing that the tenant did indeed vacate the unit by that date.

In her letter, as above, the tenant also stated in part as follows:

So on 15th Dec. I'll pay \$1,100 (Nov.) then on 15th of Jan. \$1,100 for December.

However, the landlord testified that rent currently remains outstanding in the full amount of \$1,100.00 for November and \$1,100.00 for December 2010.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlords have established entitlement to \$2,200.00 in unpaid rent (\$1,100.00 for November & \$1,100.00 for December 2010). As the landlords have succeeded with their application, I find that they have also established entitlement to recovery of the \$50.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of \$2,250.00 (\$1,100.00 + \$1,100.00 + \$50.00). Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 17, 2011

Dispute Resolution Officer