



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **Decision**

### **Dispute Codes:**

MNR, OPR, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Ten Day Notice to End Tenancy for Unpaid Rent and a monetary order for rent owed.

At the outset of the hearing the landlord advised that one of the two co-tenants named in the application as respondent had already moved out months earlier while the other had remained in the unit and failed to pay rent. Accordingly, I find that the co-tenant who had already moved was not adequately served, being that the registered mail service had been addressed to this co-tenant at the rental unit. Accordingly this hearing will only proceed against the respondent/tenant who was served.

The landlord also advised that the co-tenant served had evidently vacated so an Order of Possession is no longer necessary. However, the landlord is still seeking a monetary order for the rent owed.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on January 13, 2011, the tenant did not appear.

### **Issue(s) to be Decided**

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation for rental arrears owed.

### **Background and Evidence**

The tenancy began in September 2010 with rent set at \$850.00 and a security deposit of \$400.00 had been paid. The landlord testified that the tenant failed to pay \$850.00 rent owed for December 2010 and \$850.00 owed for January 2011. The landlord was seeking a monetary order claiming accrued rental arrears in the amount of \$1,700.00. The landlord was also seeking the \$50.00 paid for filing the application. A copy of the

tenancy agreement and a photo of the Ten Day Notice to End Tenancy for Unpaid Rent dated December 31, 2010 and proof of service or the Ten-Day Notice and proof of service of the application were submitted into evidence.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent . I find that the tenant has not paid the outstanding rent, nor did the tenant apply to dispute the Notice.

Given the above, I find that the landlord has established a total monetary claim of \$1,750.00 comprised of \$1,700.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim leaving a balance due of \$1,325.00.

### **Conclusion**

I hereby grant the Landlord an order under section 67 for \$1,325.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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: January 2011.

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Residential Tenancy Branch