

Decision

Dispute Codes:

MNR, FF

Introduction

This is an application for monetary compensation for rental arrears owed to the landlord by the tenant. Despite being served by registered mail sent on December 15, 2010, and verified by the Canada Post tracking number, the respondent 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 and remaining unpaid at the end of the tenancy.

Background and Evidence

This was a month-to-month tenancy that began in September 2010 and ended in October 2010. Rent was set at \$1,750.00 and a security deposit of \$875.00 was paid.

According to the landlord, the tenant fell into arrears in rent when the tenant failed to pay \$1,750.00 owed for December 1, 2009 and the tenant's account was perpetually one-month delinquent from that point on. The landlord testified that the tenancy ended without the outstanding amount ever being paid, and the landlord is now seeking a monetary order in compensation for the arrears still owed. The landlord testified that the \$875.00 security deposit has already been refunded to the tenant.

The witness for the landlord testified that, as a co-tenant during the tenancy, she was aware that \$1,750.00 arrears in rent was still owed to the landlord and remained unpaid to date. The witness also confirmed that the security deposit was returned in full by the landlord.

Analysis

With respect to rent owed, I find that section 26 of the Act states that rent must be paid when it is due, under a tenancy agreement. I find that the landlord has successfully proven that the tenant owes an amount of \$1,750.00 in rent.

Given the above, I find that the landlord established a total monetary claim of \$1,800.000 comprised of \$1,750.00 in rental arrears and the \$50.00 fee paid by the landlord for this application.

Conclusion

I hereby grant the landlord an order under section 67 for \$1,800.00. 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. The remainder of the landlord's application is dismissed without leave.

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: February 2011.

Residential Tenancy Branch