

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant participated in the conference call hearing but the landlord did not. The tenant presented evidence that the landlord was served with the application for dispute resolution and notice of hearing by registered mail on February 10, 2011. I found that the landlord had been properly served with notice of the tenants claim and the date and time of the hearing and the hearing proceeded in their absence. The tenant gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to a monetary order?

Background and Evidence

The tenancy was supposed to begin on or about December 1, 2010. Rent in the amount of \$400.00 is payable in advance on the first day of each month. The tenant paid the first month's rent on November 17, 2010. Before the tenant had even moved in the landlord informed the tenant that she had rented it to someone else and would return his \$400.00. The landlord paid \$110.00 on January 31, 2011 and a further \$80.00 on February 5, 2011 for a total of \$190.00 paid with an outstanding balance of \$210.00. The tenant filed for dispute resolution on February 9, 2011 and no further payments have been made.

Analysis

I accept the tenant's undisputed testimony and find that that the landlord has not paid the outstanding balance of \$210.00 to the tenant.

Conclusion

As for the monetary order, I find that the tenant has established a claim for \$210.00. I grant the tenant an order under section 67 for the balance due of \$210.00. This order may be filed in the Small Claims Division of the Provincial 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: March 31, 2011.

Residential Tenancy Branch