



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that she went to show the rental unit to potential tenants on March 25, 2011, and found it abandoned by the Tenant. Therefore, the Landlord's application for an Order of Possession is no longer necessary and this portion of the Landlord's application is dismissed.

The Landlord's agent testified that she served the Tenant with the Notice of Hearing documents by registered mail, sent to the rental unit on March 18, 2011. Documents served in this manner are deemed to be served 5 days after mailing. Therefore, the date that the Tenant was deemed to be served is March 23, 2011. The Hearing proceeded in the Tenant's absence.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The Landlord's agent gave the following testimony:

This tenancy began on June 1, 2010. On February 28, 2011, the Tenant gave written notice to end the tenancy effective March 31, 2011.

Monthly rent was \$850.00. The Tenant paid a security deposit in the amount of \$425.00 at the beginning of the tenancy. On March 1, 2011, the Tenant paid partial rent in the amount of \$425.00. On March 2, 2011, the Landlord issued a Notice to End Tenancy for the remainder of the unpaid rent.

The Tenant did not pay for parking or utilities for the month of March, 2011. The Landlord seeks a monetary award for the unpaid rent, parking fees and utilities, in the total amount of \$465.43.

Analysis

The Landlord provided a copy of the tenancy agreement in evidence. There is no provision in the tenancy agreement for parking fees. This portion of the Landlord's claim is unproven and is dismissed.

The tenancy agreement does not disclose whether or not utilities were included in the rent. Neither did the Landlord provide documentary proof of the cost of utilities for the month of March, 2011. For these reasons, this portion of the Landlord's claim unproven and is dismissed.

Based on the undisputed testimony of the Landlord's agent, and the absence of any evidence to the contrary from the Tenant, the Landlord has established its claim for unpaid rent in the amount of \$425.00.

The Landlord has been successful in its application and is entitled to recover the cost of the filing fee from the Tenant.

Pursuant to the provisions of Section 72 of the Act, the Landlord may apply the security deposit in partial satisfaction of its monetary claim. No interest has accrued on the security deposit.

I hereby provide the Landlord with a monetary order against the Tenant, calculated as follows:

Rent arrears	\$425.00
Recovery of filing fee	\$50.00
Less security deposit	<u><\$425.00></u>
TOTAL amount due to Landlord after set off	\$50.00
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Conclusion

I hereby provide the Landlord a Monetary Order in the amount of **\$50.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (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: April 12, 2011.

Residential Tenancy Branch