



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent and for damage or loss and to recover the filing fee.

The Landlord and the female Tenant appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and documentary form, and to cross-examine the other party, and make submissions to me.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on May 10, 2011, the male Tenant did not appear. The Landlord provided a tracking number for the mail and successfully demonstrated sufficient delivery of the documents under Section 89 of the Residential Tenancy Act (the "Act"). Thus the hearing proceeded in the male Tenant's absence.

At the beginning of the hearing, the Landlord stated that the Tenants had vacated the rental unit and that she no longer required an order of possession. As a result, I have amended her application to exclude her request for an order of possession and the hearing proceeded on the issue of a monetary order.

Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlord to an Order for monetary relief and to recover the filing fee?

Background and Evidence

This month to month tenancy began on November 1, 2010, ended on May 31, 2011, monthly rent was \$1,600.00 and the Tenants paid a security deposit of \$800.00 at the start of the tenancy.

The Landlord provided affirmed testimony that the Tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), via personal delivery on May 2, 2011.

The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenants had five days to dispute the Notice.

The Tenant acknowledged receipt of the Notice as well as acknowledging that the Landlord was owed rent for the months of April and May, 2011.

The parties agreed that the Tenants owed the Landlord the amount of \$3,200.00, and agreed that the Landlord would be issued a monetary order in those terms.

Analysis

Based on the above testimony, evidence, affirmation of the parties and on a balance of probabilities, I find as follows:

I find the Landlord has established a monetary claim in the amount of **\$3,250.00**, comprised of unpaid rent for April and May 2011, and the filing fee of \$50.00.

I order that the Landlord retain the deposit of **\$800.00** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$2,450.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order in the amount of \$2,450.00.

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: June 01, 2011.

Residential Tenancy Branch