



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession and Monetary Order for unpaid rent and authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord testified that the tenant was personally served with the landlord's application and notice of this hearing on June 10, 2011 at the rental unit. I was satisfied the landlord served the tenant in a manner that complies with the Act and I proceeded to hear from the landlord without the tenant present.

At the commencement of the hearing the landlord stated that she wished to withdraw the request for an Order of Possession as the tenant has paid the majority of the outstanding rent and the landlord will continue with the tenancy at this time. The landlord also amended the monetary claim to reflect the partial payment made by the tenant.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for \$200.00 in unpaid rent?

Background and Evidence

The tenancy commenced July 1, 2010 and the tenant is required to pay rent of \$1,250.00 on the 1st day of every month. The tenant did not pay rent for May when due and the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) by sending it to the tenant via regular mail on May 3, 2011. The Notice indicates rent of \$1,250.00 was outstanding as of May 1, 2011. When the landlord did not receive payment for the outstanding rent for May or any monies for June 2011 the landlord filed this application.

The landlord testified that after making this application the tenant paid \$2,300.00 leaving an outstanding balance of \$200.00. The landlord is of the belief the tenant will pay the

remaining balance of rent owed for June 2011 but seeks a Monetary Order for the balance owed and the filing fee in the event the tenant does not pay.

Provided as documentary evidence for this proceeding were copies of the tenancy agreement and 10 Day Notice issued May 3, 2011.

Analysis

Upon consideration of all of the evidence before me, I accept the landlord's submission that the tenant owes the landlord \$200.00 in outstanding rent as of the date of this hearing. I find the landlord entitled to recover the outstanding rent and the \$50.00 filing fee from the tenant.

Provided with this decision is a Monetary Order in the amount of \$250.00 to serve upon the tenant. If the tenant fails to pay the amount ordered, the Monetary Order may be satisfied by withholding \$250.00 from the security deposit or enforcing it in Provincial Court (Small Claims).

Conclusion

The landlord has been provided a Monetary Order in the amount of \$250.00 to serve upon the tenant.

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: July 27, 2011.

Residential Tenancy Branch