



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

The landlord testified that in October 2009 the tenant had gotten behind in her rent and at one point owed the landlord \$4590.00 in unpaid rent. The landlord and tenant entered into a written agreement in February 22, 2011 whereby the tenant would make payments and pay off the arrears.

The landlord stated that while still in the tenancy the tenant did make payments on the unpaid rent and paid a total of \$1700.00 to the landlord. The landlord stated that when the tenant vacated the rental unit in March 2010 that there was a balance of \$2890.00 in unpaid rent owed to the landlord and that the tenant has not made any payments since vacating.

The landlord in this application is seeking \$2890.00 compensation in unpaid rent.

Analysis

Based on the documentary evidence and testimony of the parties, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent.

The landlord and tenant had a payment agreement for the unpaid rent that the tenant owed the landlord however the tenant had stopped making payments to the landlord and at this time there is an outstanding balance of \$2890.00 in unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$2890.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$2890.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$2940.00**.

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: September 28, 2011.

Residential Tenancy Branch