



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for unpaid rent, and to recover the filing fee paid for this application.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on May 25, 2011. Mail receipt numbers were provided by the landlord for each tenant and the hearing documents were sent to the tenants at an address provided by the tenants. The tenants were deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

- Is the landlord entitled to a Monetary Order to recover unpaid rent?

Background and Evidence

This tenancy started on October 15, 2010. Rent for this unit was \$1,350.00 per month due on the 1st of each month. This started as a fixed term tenancy which reverted to a month to month tenancy at the end of the fixed term. The tenants paid a security deposit of \$675.00 on October 07, 2010.

The landlord testifies that the tenants did not pay rent for February and March, 2011 to the sum of \$2,700.00. The landlord states the tenants were served with Notice to End Tenancy on March 02, 2011 in person. This Notice states the tenants have five days to pay the outstanding rent or dispute the Notice by applying for dispute resolution or the tenancy will end on March 11, 2011. The landlord testifies the tenants did not pay the outstanding rent of \$2,700.00 and moved from the rental unit on March 05, 2011. The landlord has applied for a Monetary Order to recover the unpaid rent from the tenants plus the \$50.00 filing fee.

Analysis

The tenants did not appear at the hearing to dispute the landlords' claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenants, I have considered the landlords documentary evidence and affirmed testimony before me. S. 26 of the *Act* states a tenant must pay rent on the day it is due. The landlord has testified that rent is due on the 1st day of each month and the tenants failed to pay rent for February and March, 2011. Therefore, I find the landlord is entitled to recover rent arrears **\$2,700.00** pursuant to s. 67 of the *Act*.

As the landlord has been successful with his claim I find he is entitled to recover the **\$50.00** filing fee from the tenants pursuant to section 72(1) of the *Act*. The landlord will receive a monetary order for **\$2,750.00**.

Conclusion

I HEREBY FIND in favor of the landlords' monetary claim. A copy of the landlords' decision will be accompanied by a Monetary Order for **\$2,750.00** comprised unpaid rent and the filing fee. The order must be served on the tenants and is enforceable through the Provincial Court 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: September 02, 2011.

Residential Tenancy Branch