



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was scheduled to hear the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord provided a registered mail receipt, including tracking number, as evidence the hearing documents were sent to the tenant on December 20, 2011 at the rental unit. The landlord testified the tenant occupied the rental unit until December 28, 2011. Based upon the evidence before me, I was satisfied the tenant was sufficiently served and I proceeded to hear from the landlord without the tenant present.

As the landlord confirmed the tenant has vacated the rental unit and the landlord has regained possession, an Order of Possession is no longer necessary and I do not provide one with this decision.

Issue(s) to be Decided

Has the landlord established an entitlement to recover unpaid rent for the month of December 2011 from the tenant?

Background and Evidence

The tenancy commenced June 6, 2011 and the tenant paid a \$775.00 security deposit. The tenant paid a reduced rent of \$400.00 for the partial month of June 2011 and thereafter the tenant was required to pay rent of \$1,550.00 starting July 1, 2011. The tenancy was to be for a fixed term of one year.

The landlord testified the tenant was frequently late paying rent. The tenant paid the balance of rent owed for November 2011 on December 2, 2011 plus an additional \$60.00 that was applied to the rent owed for December 2011. The landlord posted a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on the tenant's door on December 6, 2011 indicating rent of \$1,490.00 was outstanding. The tenant did not pay the outstanding rent.

Documentary evidence provided by the landlord for this proceeding included a copy of the tenancy agreement; 10 Day Notice to End Tenancy; email communications between the parties; and, the registered mail receipts.

Analysis

Upon consideration of the evidence before me, I am satisfied the landlord is entitled to recover unpaid rent of \$1,490.00 from the tenant for the month of December 2011. I also award the landlord the filing fee paid for this application.

In light of the above, the landlord is provided a Monetary Order in the amount of \$1,540.00 to serve upon the tenant and file in Provincial Court (Small Claims) as necessary.

As the landlord did not request retention of the security deposit with this application, it remains to be administered in accordance with the Act.

Conclusion

The landlord was successful in establishing the tenant owes the landlord unpaid rent for the month of December 2011. The landlord has been provided a Monetary Order in the amount of \$1,540.00 to serve upon the tenant and enforce as necessary.

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: January 05, 2012.

Residential Tenancy Branch