



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. At the beginning of the hearing, the Landlord's agents said the Tenant had vacated the rental unit and as a result, they withdrew the Landlord's application for an Order of Possession.

The Landlord served the Tenant with the Application and Notice of Hearing (the "hearing package") on February 16, 2012 by registered mail. According to the Canada Post online tracking system, the Tenant received this mail on February 25, 2012. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issue(s) to be Decided

1. Are there rent arrears and if so, how much?

Background and Evidence

This fixed term tenancy started on August 1, 2011 and was to expire on July 31, 2012 however it ended on February 22, 2012 when the Tenant moved out. Rent was \$775.00 per month payable in advance on the 1st day of each month. The Tenant paid a security deposit of \$387.50 at the beginning of the tenancy.

The Landlord's agents said the Tenant did not pay rent for February 2012 when it was due and as a result, on February 6, 2012, they posted on the rental unit door a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 6, 2012. The Landlord's agents said the Tenant has not paid the rent for February 2012.

Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover unpaid rent for February 2012 in the amount of \$775.00 as well as a \$25.00 late fee pursuant to a clause (#7) in the Parties' tenancy agreement to that effect. I also find that the Landlord is entitled pursuant to s. 72(1) of the Act to recover from the Tenant the \$50.00 filing fee for this proceeding.

Conclusion

A Monetary Order in the amount of **\$850.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced 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: March 07, 2012.

Residential Tenancy Branch