



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR; FF

Introduction

This is the Landlord's application for a Monetary Order for unpaid rent and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, on March 1, 2012, to the forwarding address provided by the Tenant on March 1, 2012. The Landlord's agent provided the tracking number for the registered documents.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order for unpaid rent for the month of January, 2012?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

A copy of the tenancy agreement was provided in evidence. Monthly rent is \$1,000.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$500.00 on November 25, 2011, which remains with the Landlord.

The Landlord's agent testified that the Tenant moved out of the rental unit on January 31, 2012, and did not pay any rent for the month of January, 2012.

Analysis

I accept that the Landlord's agent's affirmed testimony that the Tenant did not pay any

rent for the month of January, 2012, and that the Landlord has suffered a loss as a result, in the amount of \$1,000.00.

The Landlord is still holding the security deposit. Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary claim. No interest has accrued on the security deposit.

The Landlord has been successful in his application and I find that he is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

The Landlord has established a monetary claim as follows:

Unpaid rent	\$1,000.00
Subtotal	\$1,050.00
Less security deposit	- \$500.00
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$550.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$550.00** against the Tenant. This Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) 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 19, 2012.

Residential Tenancy Branch