



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent.

Although deemed served with the Application for Dispute Resolution and Notice of hearing by registered mail sent on February 29, 2012, a Canada post tracking number was provided as evidence of service, the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenant has been duly served in accordance with the Act.

The landlord gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The tenancy began on August 17, 2009. Rent in the amount of \$615.00 was payable on the first of each month. A security deposit of \$300.00 was paid by the tenant.

The landlord testified the tenant had possession of the rental unit during the month of February 2012 and did not pay rent. The landlord testified on February 16, 2012, at a dispute resolution hearing the landlord was granted an order of possession for the rental unit. Filed in evidence is a copy of the Dispute Resolution Decision dated February 16, 2012.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The evidence of the landlord was the tenant had possession of the rental unit during the month of February 2012 and the tenant did not pay rent. The decision issued by the Dispute Resolution Officer on February 16, 2012, confirms the tenant had possession of the rental unit during that time period. Therefore, I find the landlord is entitled to a monetary order for unpaid rent.

I find that the landlord has established a total monetary claim of \$665.00 comprised of rent owed and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the deposit and interest of \$300.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$365.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The landlord is granted a monetary order and may keep the security deposit and interest in partial satisfaction of the claim. I grant a monetary order for the balance due.

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: April 24, 2012.

Residential Tenancy Branch