



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fee associated with this application.

The landlord's agent participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenant in person on April 20, 2012, and by way of registered mail sent on April 20, 2012, and provided a Canada Post tracking number. The tenant did not participate and the hearing proceeded in the tenant's absence.

At the outset, the landlord's agent stated that the tenant moved out of the rental unit on or about April 20, 2012. Therefore the landlord's agent withdrew her application for an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of an apartment in a four-plex unit. Pursuant to a written agreement, the month to month tenancy started on September 1, 2011. The rent is \$750.00 per month and the tenant paid a security deposit of \$375.00.

The landlord's agent testified that the tenant owes \$350.00 for February 2012 rent, and \$750.00 for both March and April 2012 for a claim totalling \$1850.00.

In her documentary evidence, the landlord provided a copy of the 10 Day Notice to End Tenancy served on the tenant on March 27, 2012, by posting the notice on the tenant's door.

Analysis

I accept the landlord's agent's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Based on the available evidence I accept that the tenant did not pay rent and that the landlord is entitled to recover the loss of rental income as claimed.

Conclusion

The landlord established a claim of \$1850.00. I authorize the landlord to retain the tenant's \$375.00 security deposit for a balance owing of \$1475.00. Since the landlord was successful, I award the landlord recovery of the \$50.00 filing fee. Pursuant to Section 67 of the Act, I grant the landlord a Monetary Order totalling \$1525.00.

This Order may be registered in the Small Claims Court 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: May 08, 2012.

Residential Tenancy Branch