



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This matter dealt with an application by the Landlord to recover unpaid rent and the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on July 24, 2012. The Landlord said the Tenant acknowledged receipt of this mail in writing. Section 90(a) of the Act also says a document delivered by mail is deemed to be received five days later. 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

The Landlord said this tenancy started on October 15, 2010 and ended on April 30, 2012 when the Tenant moved out (pursuant to a Mutual Agreement to End Tenancy). Rent was \$410.00 per month payable in advance on the 1st day of each month.

The Landlord said the Tenant did not pay rent for April 2012 when it was due and as a result, he served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or utilities. The Landlord said the Tenant has not paid the outstanding rent for April 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 April 2012 in the amount of \$410.00. I also find pursuant to s. 72 of the Act that the Landlord is entitled to recover from the Tenant the \$50.00 filing fee for this proceeding.

Conclusion

A Monetary Order in the amount of \$460.00 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 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: October 04, 2012.

Residential Tenancy Branch