



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee.

The landlord testified that she served the tenant with the notice of hearing on August 10, 2012, by registered mail. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on December 01, 2011 for a fixed term of nine months. The monthly rent was \$980.00 payable on the last day of each month. Prior to moving in the tenant paid a security deposit of \$490.00. The tenant moved out on August 31, 2012.

The landlord stated that the tenant failed to pay full rent for June, July and August. At the time of the hearing the tenant owed \$120.00 for June, \$460.00 for July and \$680.00 for August for a total of \$1,260.00. The landlord is claiming this amount along with the filing fee of \$50.00.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant owes rent in the amount of \$1,260.00. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$490.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$820.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$820.00**.

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 22, 2012.

Residential Tenancy Branch