



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord served the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "unclaimed by recipient."

The landlord also served the hearing package via "expedited parcels." Evidence provided by the landlord includes the Canada Post tracking number for "expedited parcels," and the Canada Post website informs that the item was "successfully delivered."

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Even while the tenant took possession of the unit on or about August 23, 2013, pursuant to a written tenancy agreement, the tenancy formally began on September 1, 2013. While there is no written agreement in evidence to this effect, the landlord testified that the parties agreed that the tenant would pay \$100.00 for early possession of the unit in August. Thereafter, monthly rent of \$550.00 was due and payable in advance on the first day of each month. Ultimately, total payment made by the tenant was limited to \$550.00.

Arising from rent which remained unpaid when due on October 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 2, 2013. The

notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is October 15, 2013. Subsequently, the tenant made no further payment to the landlord, and he vacated the unit on or about October 13, 2013 without providing a forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that for all intents and purposes a security deposit was not collected, and that the \$550.00 paid by the tenant was effectively rent for September 2013.

I further find that the landlord has established entitlement to a claim of **\$600.00**:

\$550.00: *unpaid rent for October 2013*

\$50.00: *filing fee*

In the absence of any identification on the landlord's application of the \$100.00 due for partial rent in August 2013, or any documentary evidence of agreement reached between the parties to that effect, the monetary order does not include this amount.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$600.00**. Should it be necessary, this order may be served on the tenant, filed 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: January 13, 2014

Residential Tenancy Branch

