



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wooden Bear Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent KT gave affirmed testimony at the Hearing.

KT testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on February 20, 2014. KT provided the tracking numbers for the registered documents. She stated that the documents were returned to her "unclaimed". A search of the Canada Post Tracking System confirms that the documents were returned "unclaimed" on March 25, 2014. KT stated that she also sent the documents to the Tenant via e-mail.

Based on KT's affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail, pursuant to the provisions of Section 89(1)(c) of the Act. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Preliminary Matter

At the outset of the Hearing, KT stated that the Tenant moved out of the rental unit on March 10, 2014. The Landlord has taken back possession of the rental unit, and therefore the Landlord's application for an Order of Possession is dismissed.

Issue to be Decided

- Is the Landlord entitled to a Monetary Order for unpaid rent?

Background and Evidence

The Landlord's agent KT gave the following testimony:

This tenancy started on September 1, 2013. Monthly rent was \$600.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$300.00.

On February 2, 2014, the Landlord issued a Notice to End Tenancy for Unpaid Rent and posted it to the Tenant's door. The Tenant paid only \$200.00 towards rent for February and no rent for the month of March, 2014. The Landlord seeks a monetary award in the amount of \$1,000.00 for unpaid rent.

KT asked to apply the security deposit towards the Landlord's monetary award.

Analysis

I accept KT's undisputed affirmed testimony that the Tenant owes \$400.00 for February, 2014, rent and \$600.00 for March, 2014 rent.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of its monetary claim.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Unpaid rent	\$1,000.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,050.00
Less security deposit	<u>- \$300.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$750.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$750.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: April 10, 2014

Residential Tenancy Branch

