



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR; FF

Introduction

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

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents and copies of her documentary evidence were mailed to the Tenant, via registered mail, on December 23, 2014, to an address provided to the Landlord by the Tenant's mother. The Landlord provided a copy of the registered mail receipt and tracking number in evidence. A search of the Canada Post tracking system indicates that the documents were picked up by the Tenant on December 29, 2014.

Based on the Landlord's affirmed testimony and the Canada Post search, I am satisfied that the Tenant was sufficiently served with the Notice of Hearing documents by registered mail. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence. The teleconference remained open for 15 minutes.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order for unpaid rent for the months of January, 2014 to June, 2014, inclusive?

Background and Evidence

The Landlord gave the following testimony:

This tenancy began on November 1, 2013. The Tenant moved out of the rental unit in June, 2014, leaving some of his personal possessions in the garage. The Tenant picked up his belongings on June 25, 2014, but did not clean the rental unit at the end of the tenancy. The Landlord is not seeking damages for the cost of cleaning the rental unit.

Monthly rent was \$975.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$487.50 at the beginning of the tenancy. The Landlord seeks to apply the security deposit towards her monetary award.

The Landlord stated that the Tenant had problems paying rent when it was due and that she served him with a Notice to End Tenancy for Unpaid Rent on March 29, 2014. The Landlord testified that the Tenant kept assuring her that he would pay the arrears, but that he has not.

The total outstanding rent is \$5,850.00.

Analysis

Based on the Landlord's undisputed affirmed testimony, I find that she has established a monetary award in the amount of \$5,850.00 against the Tenant.

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

The Landlord has been successful in her application and I find that she 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	\$5,850.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$5,900.00
Less security deposit	<u>- \$487.50</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$5,412.50

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$5,412.50** 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: March 16, 2015

Residential Tenancy Branch

