



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / loss of revenue - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of registered mail service including the tracking number for the mail, which the landlord testified was returned as unclaimed.

At the outset of the hearing the landlord informed that the tenant had vacated January 31, 2016, and thus amended their application **solely seek a monetary order for unpaid rent and the filing fee**. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began August 01, 2015 and has since ended. The tenancy agreement states the rent in the amount of \$900.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a pet deposit from the tenant in the amount of \$450.00 which remains in trust with the landlord. The tenant failed to pay rent in the month of December 2015 and January 2016. The tenant subsequently vacated without providing any forwarding particulars.

Analysis

Based on the landlord's undisputed evidence I find that the tenant was obligated to pay rent for the months of December 2015 and January 2016 in accordance with the tenancy agreement, however failed to do so. I find the landlord is entitled to the payable rent in the sum of \$1800.00. The landlord is further entitled to recovery of the \$50.00 filing fee. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Unpaid rent: December 2015 & January 2016	1800.00
Filing Fees for the cost of this application	50.00
<i>Less Pet Deposit</i>	<i>-450.00</i>
Total Monetary Award /landlord	\$1400.00

Conclusion

I Order that the landlord retain the pet deposit of \$450.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$1400.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: February 11, 2016

Residential Tenancy Branch

