



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent and a monetary Order for unpaid rent.

The landlord provided affirmed testimony that on September 22, 2017 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail to the address noted on the Application. A Canada Post tracking number was provided as evidence of service. The landlord said that the tenant vacated the rental unit some time after September 27, 2017.

The registered mail was unclaimed and returned to the landlord by Canada Post.

Therefore, I find the documents are deemed to have been served on the fifth day after mailing, in accordance with section 89 and 90 of the Act.

The tenant did not appear at the hearing.

Preliminary Matters

The landlord obtained possession of the rental unit in early October 2017; an order of possession is not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Background and Evidence

The tenancy commenced in 2003. Rent increases were given during those years; most of which the landlord was able to submit as evidence. The most recent rent increase raised rent from \$890.00 per month to \$922.00; effective July 1, 2017. Rent was due on

the first day of each month. A copy of the tenancy agreement was supplied as evidence.

The landlord is holding a security deposit in the sum of \$340.00 that was paid on March 1, 2003.

The landlord stated that on September 5, 2017 a 10 day Notice ending tenancy for unpaid rent or utilities, which had an effective date of September 15, 2017 was served by posting to the tenants' door. The tenant did not pay September 2017 rent.

On September 27, 2017 the landlord issued a notice of entry. When the landlord attempted to enter the unit the landlord discovered the tenant had changed the lock to the rental unit. The landlord was able to enter the unit in early October 2017 and took possession of the unit. The landlord said that the tenant was in the rental unit at the time entry was attempted on September 27, 2017.

The landlord has claimed compensation for unpaid rent for the month of September 2017 in the sum of \$922.00.

Analysis

I find pursuant to section 46 of the Act that the tenancy ended effective September 18, 2017, the corrected effective date of the Notice ending tenancy posted to the door on September 5, 2017. In the absence of evidence to the contrary I find that the tenant occupied the rental unit until at least the end of September, 2017 as the landlord was unable to gain entry until early October.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$922.00 for September 2017, and that the landlord is entitled to compensation in that amount.

As the landlords' claim has merit and the landlord has paid a filing fee, I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord wishes to retain the security deposit. Therefore, pursuant to section 72 of the Act, I find that the landlord is entitled to retain the security deposit of \$340.00 plus \$10.76 interest in partial satisfaction of the claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$671.24. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent.

The landlord may retain the security deposit and accrued interest.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy*.

Dated: October 26, 2017

Residential Tenancy Branch