Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally served to the female Tenant by the Landlord on December 09, 2008. The Agent stated that he was present when these documents were served on this Tenant. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act),* however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord to a monetary Order for unpaid rent; to keep all or part of the security deposit and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67, and 72 of the *Act.*

Background and Evidence

The Agent for the Landlord stated that this tenancy began on April 29, 2007; that it ended on September 30, 2008; and that the Tenant was required to pay monthly rent of $650.00.

The Agent for the Landlord stated that rent cheques from July and September of 2008 were returned by the bank to the Landlord due to insufficient funds. He stated that rent in the amount of $650.00 has still not been paid for July or September. Copies of the cancelled cheques were submitted as evidence.

Analysis

In the absence of evidence to the contrary, I find that the Tenants have not paid rent in the amount of $650.00 for July of 2008 and $650.00 for September of 2008, and that the Landlord is entitled to compensation in those amounts.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of $1,350.00, which is comprised on $1,300.00 in unpaid rent and $50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for the balance of $1,350.00. 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.

Date of Decision: January 26, 2009.

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