



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPR, MNR, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing. The Landlord’s agent gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matter

At the onset of the Hearing the Landlord’s agent advised that the Tenant had abandoned the rental property on February 28, 2009. Therefore, the Landlord’s agent withdrew the Landlord’s claim for an order of possession.

Issue(s) to be Decided

This is the Landlords’ application under sections 67 and 72 of the Act for a Monetary Order for unpaid rent and to recover the filing fee from the Tenant.

Background and Evidence

Landlords’ evidence

The Landlord’s agent testified that he personally served the Tenant with the 10 Day Notice to End Tenancy on January 18, 2009, at the Tenant’s residential address. The Landlord’s agent testified that he mailed the Landlord’s application and notice of hearing documents to the Tenant via registered mail on February 5, 2009. The Landlord

provided evidence to the case file, including a copy of the registered mail receipt and tracking number.

The Landlord's agent gave the following affirmed verbal and written evidence that:

- The tenancy started on November 1, 2007.
- The monthly rent was \$875.00, due on the first day of the month.
- The Tenant did not pay the Landlord a security deposit.
- The Tenant is in arrears of rent for a total of \$3,230.69. The Landlord provided an accounting of the rental arrears in evidence on the case file.
- The Landlord was able to re-rent the rental unit on March 1, 2009.

Analysis

I accept the Landlord's agent's testimony that the Tenant was properly served with the Notice to End Tenancy and the Landlord's Application for Dispute Resolution along with the notice of hearing documents. In spite of being served with the documents, the Tenant did not appear at today's Hearing and the Hearing proceeded in her absence.

The Landlord has established its monetary claim for rent arrears in the amount of \$3,230.69.

The Landlord has been successful in its application and is entitled to recover the filing fee in the amount of \$50.00 from the Tenant.

I therefore make a monetary order in favour of the Landlord the amount of \$3,280.69.

Conclusion

I grant the Landlord a monetary order for \$3,280.69 against the Tenant. This order must be served on the Tenant and may be filed in the Provincial Court of British

Columbia (Small Claims) and enforced as an order of that Court.

March 30, 2009
