

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR

MNR

ET

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 and this Hearing proceeded on its merits.

Preliminary Matter

This Hearing was set for 1:30 p.m., March 11, 2009, via telephone conference. At 1:40 p.m., the Tenants had still not joined the Hearing.

The Landlord’s agent testified that the Tenants were served with the Ten Day Notice to End Tenancy for Unpaid Rent on November 15, 2008, by posting the Notice through the mail box at the rental unit.

The Landlord’s agent testified that he mailed the Tenants copies of the Application for Dispute Resolution and hearing package on January 28, 2009, by registered mail, to the Tenants at the rental unit. The Landlord’s agent provided copies of the registered mail receipts and tracking numbers.

Pursuant to Section 90 of the Act, I find that the Tenants were deemed to have received the Notice to End Tenancy on November 18, 2008, and the Landlord's application and hearing package on February 2, 2009. The Tenants were duly served with notice of this application and did not attend the hearing. The hearing proceeded in the absence of the Tenants.

Issue(s) to be Decided

This is the Landlord's application under Sections 55, 67 and 56 of the Act for an Order of Possession, a monetary order for unpaid rent, and to end the tenancy early.

Background and evidence

The Landlord's agent testified that the Tenants have moved out of the rental unit and the Landlord withdraws her application for an order to end the tenancy early and an Order of Possession.

The Tenants are in arrears of rent for a total of \$3,700.00, as follows:

- May, 2008: \$100.00
- June, 2008: \$450.00
- July, 2008: \$450.00
- August, 2008: \$450.00
- September, 2008: \$450.00
- October, 2008: \$450.00
- November, 2008: \$450.00
- December, 2008: \$450.00
- January, 2009: \$450.00

There was no security deposit paid by the Tenants to the Landlord.

Analysis

I accept the Landlord's agent's testimony in its entirety.

Based on the testimony of on the Landlord's agent, the Landlord is entitled to a monetary order in the amount of \$3,700.00 and I make that order.

Conclusion

I grant the Landlord a monetary order under section 67 of the Act for \$3,700.00. This order must be served on the Tenants and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an order of that Court.

March 17, 2009
