



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

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.

The Landlord’s agent gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Landlord’s application for a Monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of this application.

Background and Evidence

Service

The Landlord’s agent testified that he served the Tenant with a 10 day Notice to End Tenancy for Unpaid Rent or Utilities on February 3, 2009, by posting the Notice through the Tenant’s mailbox at the rental unit.

The Landlord’s agent testified that he mailed the Tenant a copy of the Application for Dispute Resolution and hearing package on February 14, 2009, by registered mail to the Tenants’ new residential address. The Landlord provided a tracking number for the registered mail. A tracking search on the Canada Post website indicated that attempted delivery was made and a notice left indicating where the item could be picked up. The Tenant did not pick up the package, and it was returned to the Landlord on March 6, 2009.

Landlords' evidence

- The tenancy started on July 1, 2004. The monthly rent was \$804.00, due on the last day of the month, in advance.
- The Tenant is in arrears of rent for February, 2009, in the amount of \$804.00.
- The Tenant abandoned the rental property in mid-February.
- The Tenant paid a security deposit in the amount of \$348.50, on June 18, 2004.

Analysis

I accept the Landlord's agent's testimony that the Tenant was duly served with the Notice to End Tenancy. Service by way of posting a document through a tenant's mail box is deemed to be served three days after posting the document.

I accept the Landlord's agent's testimony that he mailed the Tenants the Notice of Hearing Package and Application for Dispute Resolution, by registered mail, on February 14, 2009. Pursuant to Section 90 of the Act, a document served in such a manner is deemed to have been received on the 5th day after mailing the document. In spite of being served with the documents, the Tenant did not appear at today's Hearing and the Hearing proceeded in his absence.

The Landlord's agent has established the Landlord's monetary claim for rent arrears for February, 2009. Pursuant to Section 72 of the Act, the Landlord may apply the security deposit, together with any accrued interest thereon, towards its monetary order.

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, calculated as follows:

Unpaid rent for February, 2009:	\$804.00
Recovery of filing fee	\$50.00
Less security deposit and interest of \$12.35	<u><\$360.85></u>
TOTAL	\$493.15
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Conclusion

I grant the Landlord a monetary order for \$493.15 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.

May 4, 2009
