



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, CNR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding and to keep the Tenant's security deposit and pet damage deposit. The Tenant applied to cancel a Notice to End Tenancy for Unpaid Rent and to recover the filing fee for this proceeding. At the beginning of the hearing the Landlord claimed that the tenancy had ended and as a result she abandoned her application for an Order of Possession.

The Landlord served the Tenant with a copy of the Application and Notice of Hearing by registered mail on September 4, 2009. According to the Canada Post online tracking system, the Tenant received the Landlord's hearing package on September 9, 2009. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in her absence.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?

Background and Evidence

This fixed term tenancy started on November 1, 2008 and was to expire on October 31, 2009, however it ended on or about September 30, 2009 when the Tenant moved out. The Landlord said she received a letter from the Tenant on October 9, 2009 advising her that the Tenant had moved out on September 30, 2009. Rent was \$1,900.00 per month payable in advance on the 1st day of each month. The Tenant paid a security deposit of \$950.00 and a pet damage deposit of \$950.00 at the beginning of the tenancy.

The Landlord said that the Tenant did not pay rent for August 2009 when it was due and as a result, on August 21, 2009, she served the Tenant by registered mail with a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities dated August 21, 2009. The Landlord said that mail was received by another adult occupant who resided with the Tenant in the rental unit. The Landlord also said that the Tenant has not paid rent for August or September 2009.



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Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover unpaid rent for August and September 2009 in the amount of \$3,800.00. I also find that the Landlord is entitled to recover the filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit and pet damage deposit in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:

Unpaid rent:	\$3,800.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$3,850.00
Less: Security deposit:	(\$950.00)
Accrued interest:	(\$2.38)
Pet deposit:	(\$950.00)
Accrued interest:	<u>(\$2.38)</u>
Balance Owing:	\$1,945.24

Conclusion

The Tenant's application is dismissed without leave to reapply. A monetary order in the amount of **\$1,945.24** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 15, 2009.

Dispute Resolution Officer