



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fees associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenants by way of registered mail sent on January 1<sup>st</sup>, 2011, for which Canada Post confirmed successful delivery on January 21<sup>st</sup>, 2011. The tenants did not participate and the hearing proceeded in the tenants' absence.

At the outset, the landlord stated that the tenants moved out of the rental unit on or about November or December 2010. Therefore the landlord's application for an Order of Possession is dismissed.

### Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and if so for what amount?

### Background and Evidence

Pursuant to a written agreement, the month to month tenancy started on June 1<sup>st</sup>, 2009. The monthly rent of \$825.00 was payable on the first of each month.

The tenants paid a security and a pet damage deposit in the amount of \$412.50 respectively, for the sum of \$825.00.

The landlord submitted a monetary for unpaid rent as follows:

- August 2010:           \$ 200.00
- September 2010:       \$ 825.00
- October 2010:         \$ 825.00
- November 2010:       \$ 825.00
- December 2010:       \$ 825.00
- January 2011:         \$ 825.00
- Total:                 \$4325.00

The landlord testified that he served the tenants with a 10 Day Notice to End Tenancy by posting the notice on the tenants' door on January 1<sup>st</sup>, 2011. The landlord stated that work was required to clean the unit, and that it has not been re-rented to date.

### Analysis

I accept the landlord's undisputed testimony that he served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Based on the available evidence, I find that the landlord is entitled to a Monetary Order as claimed.

Conclusion

The landlord has established a claim for \$4325.00. Since the landlord was successful, I award the landlord recovery of the \$50.00 filing fee for the sum of \$4375.00.

Pursuant to Section 67 of the Act, I authorize the landlord to retain the tenants' \$825.00 security and pet damage deposit for a balance owing of \$3550.00.

This Order may be registered in the Small Claims Court 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: February 07, 2011.

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Residential Tenancy Branch