



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF, SS

Introduction

This hearing was convened in response to an application filed by the landlord seeking:

1. A monetary Order for unpaid rent;
2. A monetary Order for compensation for damage or loss;
3. Recovery of the filing fee; and
4. An Order to be allowed to serve documents by way of substituted service.

The landlord appeared at the hearing of this matter and submitted that by way of an Order issued January 10, 2013 granting her permission to serve documents in another way than as required under the Act the landlord served this Application, Notice of Hearing and evidence package by way of registered mail sent to the tenant's workplace which registered mail was returned marked "refused". Based on the landlord's evidence I am satisfied that the tenant has been deemed served.

The landlord gave evidence under oath.

Issue(s) to be Decided

Is the landlord entitled to the Orders sought?

Background and Evidence

The landlord testified that the tenant vacated the rental unit on October 31, 2012 without giving notice of his intention to do so. The landlords submitted that at the time he vacated the tenant owed rent for April and October 2012 the landlord is therefore claiming those sums as well as rent for November because she was not aware the rental unit would be vacated. The landlord testified that the tenant's rent is \$495.00 per

month which sum includes a \$56.75 water, sewer and garbage charge levied by the City of Merritt and as agreed to in the Tenancy Agreement.

Further the landlord is claiming the \$25.00 late rental payment fee also pursuant to the Tenancy Agreement for seven late rental payments over the course of this tenancy totalling \$175.00.

Analysis

Based on the undisputed evidence of the landlord I find that she is entitled to the monetary Order claimed in the sum of \$1,660.00. As the landlord has been successful in this claim I will also allow her to recover the \$50.00 filing fee paid for this application.

With respect to the request for an order for substituted service, the landlord has already received that Order. I therefore dismiss this claim as unnecessary.

Conclusion

The landlord is provided with a monetary Order in the sum of \$1,710.00. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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: March 27, 2013

Residential Tenancy Branch