Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNDC, MNSD, MNR, FF

Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of $2200.00 and requesting recovery of the $50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 3, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The applicant was affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on August 1, 2014 with a monthly rent of $550.00.

The applicant further testified that the tenant vacated on July 19, 2015 pursuant to an Order of Possession for nonpayment of rent.

The applicant further testified that at the end of the tenancy the following rent was outstanding:

April 2015	$550.00
May 2015	$550.00
June 2015	$550.00
July 2015	$550.00
Total	$2200.00

The applicant is therefore requesting a monetary order for that outstanding rent and recovery of the $50.00 filing fee.

Analysis

I accept the landlords testimony that the tenant failed to pay rent for the months of April 2015 through July 2015 for a total of $2200.00 and I therefore find that the landlord is entitled to an order for that outstanding rent pursuant to section 67 of the Residential Tenancy Act.

Section 67 of the Residential Tenancy Act states:

> **67** Without limiting the general authority in section 62 (3) *[director's authority respecting dispute resolution proceedings]*, if damage or loss results from a party

not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

I also allow the landlords request for recovery of the $50.00 filing fee pursuant to section 72 of the Residential Tenancy Act.

Conclusion

I have allowed the landlords full claim of $2250.00 and I therefore order that the landlord may retain the full security deposit of $275.00 and I have issued a monetary order in the amount of $1975.00.

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: December 08, 2015

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Residential Tenancy Branch