

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *MNR, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act*, for a monetary order for unpaid rent for the month of February 2009 and for the recovery of the filing fee.

The notice of hearing dated June 17, 2009 was served on the tenant on June 18, 2009 in person. Despite having been served with the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for rent for February 2009 and for the filing fee?

Background and Evidence

The landlord testified that the tenancy began on June 01, 2006. The monthly rent was \$945.00 payable on the first day of each month.

On January 24, 2009, the tenant sent the landlord an email stating that she would be ending the tenancy and moving out by February 15, 2009. The landlord advertised the availability of the unit and made arrangements with the tenant to show the unit to prospective tenants.

The tenant failed to pay rent for February and moved out sometime before February 15, 2009. The landlord has applied for a monetary order for \$945.00 which is the amount of rent for February plus the filing fee of \$50.00.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant did not pay rent for February 2009 and moved out mid February. The landlord made efforts to mitigate her losses but was not able to find a tenant for February 15, 2009

I find that the landlord has established a claim for rent for the month of February 2009 in the amount of \$945.00. The landlord is also entitled to filing fee of \$50.00. Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$995.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$995.00**

Dated August 27, 2009.

Dispute Resolution Officer