

DECISION

Dispute Codes: OPR, MNR and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by posting on the tenant's door on September 3, 2009. The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding.

At the commencement of the hearing, the landlord's agent advised that the tenant had moved out of the rental unit on October 3, 2009 and she withdrew the request for the Order of Possession.

Despite having been served with the Notice of Hearing served in person on September 17, 2009, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and filing fee.

Background and Evidence

This was a short term tenancy with monthly rent of \$650 per month.

During the hearing, the landlord's agent advised that the tenant had previously been served with a Notice to End Tenancy as the landlord needed the suite to accommodate a family member.

However, she stated that the tenant failed to pay the rent for September leading to the second and superseding notice for unpaid rent. The tenant vacated on October 3, 2009 without giving notice and without providing a forwarding address.

Analysis

While there had been a notice to end tenancy for landlord use, and while that would have entitled the tenant to the last month's rent free, the tenant would have been required to give 10 days written notice under section 50(1)(a) of the Act.

Accordingly, find that the landlord is entitled to a Monetary Order for the rent for September 2009. As the landlord's family member took possession of the rental unit in October, I find that there was no loss of rent and make no award for the month.

As the landlord's application has succeeded and was necessitated by the tenant's failure to give written notice, I find that the landlord is entitled to recover the filing fee for this proceeding.

Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order for rent for September 2009 for \$700 comprised of \$650 for September rent plus the \$50 filing fee for this proceeding..

The Monetary Order must be served on the tenant by the landlord and it is enforceable through the Provincial Court of British Columbia.