



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

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

The landlord's application was scheduled to be heard on October 29, 2009. The notice of hearing dated September 14, 2009 was served on the tenant on September 15, 2009 by posting it on the front door. Despite having been served the notice of hearing, the tenant did not attend the hearing on October 29, 2009. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord was granted an order of possession and a monetary order. The tenant applied for a review on November 17, 2009 and this matter was reconvened to be heard on January 13, 2009. The tenant was advised by the office of the Residential Tenancy Branch of the date and time of the rescheduled hearing. Despite having applied for a new hearing and having been served the notice of hearing the tenant did not attend the hearing. The landlord attended the hearing.

The tenant moved out on November 09, 2009. Therefore the landlord's application for an order of possession was no longer required. The landlord requested that the monetary order be amended to include rent for November

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on May 01, 2009. The monthly rent is \$600.00 due in advance on the first of each month. The tenant failed to pay rent for June, July and August. On August 15, 2009 the landlord served the tenant with a ten day notice to end tenancy. The tenant further failed to pay rent for September and October 2009 and moved out on November 09, 2009.

The landlord has applied for a monetary order in the amount of \$3650.00 which consists of rent for the months of June to November and \$50.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord has established a claim of \$3,600.00 for unpaid rent. Since the landlord has proven his case, I find that he is also entitled to the recovery of the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$3,650.00. 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 **\$3,650.00**.

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: January 15, 2010.

Dispute Resolution Officer