

Decision

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. At the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

The Landlord stated that he personally served copies of the Application for Dispute Resolution and Notice of Hearing on the Tenant on January 15, 2009. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Act*.

Background and Evidence

The Landlord stated that this tenancy began on July 15, 2007; that the Landlord personally served the Tenant's brother, who lives with the Tenant, a Ten Day Notice to End Tenancy on January 04, 2009, which required the Tenant to vacate the rental unit on January 15, 2009; that the Tenant vacated the rental unit on January 18, 2009; and that the Tenant was required to pay monthly rent of \$1,400.00.

The Landlord stated that the Tenant did not pay any rent for December of 2008 or January of 2009.

Analysis

In the absence of evidence to the contrary, I find that the Tenant was served with a Notice to End Tenancy that required the Tenant to vacate the rental unit on January 15, 2009, pursuant to section 46 of the *Act*.

In the absence of evidence to the contrary, I find that the Tenant did vacate the rental unit on January 18, 2009, without paying rent for December of 2008 or January of 2009. As the Tenant was required to pay rent for December and January, I find that she owes the Landlord \$2,800.00.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$2,850.00, which is comprised on \$2,800.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$2,850.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.