

DECISION

Dispute Codes OPR, OPC, MNR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution to obtain an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent. The tenant did not attend.

The landlord's agent, at the outset of the hearing, indicated that the tenant moved out two weeks ago and agreed there was no further need for an order of possession. The landlord's application was amended to exclude the requests for an order of possessions.

Issues(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 tenants for the cost of the Application for Dispute Resolution, pursuant to sections 46, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenancy began on May 1, 2009 as a 1 year fixed term tenancy for a monthly rent of \$400.00 due on the 1st of the month.

The landlord submitted into evidence the following documents:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated December 23, 2009 with an effective vacancy date of January 1, 2010 for \$425.00 in unpaid rent; and
- A copy of a 1 Month Notice to End Tenancy for Cause dated December 22, 2009 with an effective vacancy date of January 31, 2010 citing repeated late payment of rent and the tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord and jeopardize a lawful right or interest of another occupant or the landlord.

The landlord's agent testified the tenant had not paid full rent for November 2009, December 2009, January 2010, and February 2010, but that the tenant had moved out prior to March 1, 2010.

Analysis

As the tenant continued to reside at the rental unit after notice was given for unpaid rent and for cause the tenant remains liable for the rent for those periods.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and therefore grant a monetary order in the amount of **\$1,275.00** comprised of \$1,225.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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: March 10, 2010.

Dispute Resolution Officer