

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 notice of hearing dated June 03, 2010, was served on the tenant on the same day in person. Despite having been served 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

The tenant moved out on July 16, 2010. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

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 in July 2007. The monthly rent was \$500.00 due in advance on the first of each month.

The tenant failed to pay rent for May and the landlord served the tenant a ten day notice to end tenancy. The tenant moved out on July 16, 2010 without paying rent for the months of June and July in the amount of \$1,000.00. The landlord is also claiming 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 owes rent for June and July for a total of \$1,000.00.

The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

Overall the landlord has established a total claim of \$1,050.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 for **\$1,050.00**.

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: July 20, 2010.

Dispute Resolution Officer