



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service on December 16, 2010 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

The landlord amended their application only seeking Orders as follows:

1. A Monetary Order for unpaid rent for December 2010 - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenant vacated on December 31, 2010 pursuant to a mutual agreement with the landlord. Rent in the amount of \$1000 was payable in advance on the first day of each month. The landlord's undisputed testimony is that the tenant failed to pay rent in the

month of December 2010 and on December 02, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord's monetary claim is for the unpaid rent of \$1000.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and has vacated the rental unit.

Based on the above facts I find that the landlord is entitled to a monetary Order for the unpaid rent in the amount of \$1000. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1050**.

Conclusion

I grant the landlord an Order under Section 67 of the Act for the amount of **\$1050**. If necessary, this order may be filed in the Small Claims Court 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*.