

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, compensation owed for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

The tenants paid a monthly rent of \$800.00, there was no security deposit paid. On January 5, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants did not pay the January 2011 rent and upon returning home on January 30, 2011 the landlord discovered that the tenants had vacated the rental unit. The tenants did not give 1 month's clear notice as required by the Act and the rent for February has not been paid. The tenants owe the landlord \$1600.00 in unpaid rent for the months of January and February 2011.

As the tenants have vacated the rental unit the landlord no longer requires an order of possession and this portion of their application is hereby dismissed.

The landlord is seeking a monetary claim in the amount of \$1600.00 for unpaid rent and loss of income.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent and loss of income.

I find that the landlord has established a claim for \$1600.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$1600.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$1650.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: February 3, 2011

Residential Tenancy Branch