

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a monetary order request for unpaid rent and to recovery the filing fee.

The Landlord attended the hearing by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

At the beginning of the hearing the Landlord states that the Tenant abandoned the rental unit and an order of possession is no longer needed as the Landlord now has the keys to the rental unit.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

This tenancy began on August 1, 2010 on a signed fixed term tenancy agreement until July 31, 2011. The Landlord states that the Tenant abandoned the rental unit on February 1, 2011 and the keys to the unit were returned. The monthly rent was \$1,000.00 payable on the 1<sup>st</sup> of each month. A security deposit of \$500.00 was paid on July 15, 2010.

The Landlord states that the Tenant failed to pay the January 2011 rent by placing a stop cheque order with the bank as shown in the submitted evidence. The Landlord served a 10 day notice to end the tenancy for unpaid rent on January 5, 2011 with a move-out date indicated as January 20, 2011. The Tenant has not paid the rent as of the date of this hearing and has not filed an application for dispute resolution within the allowed 5 days. The Landlord has served the Tenant with the notice of hearing by registered mail on January 20, 2011.

The Landlord states that as of the date of the hearing that the Tenant has failed to pay the \$1,000.00 rent for January 2011. The Landlord is seeking compensation of \$20.00 for the late rent fee and the \$25.00 for the NSF fee as stated in the signed tenancy agreement.

Analysis

I am satisfied that the Tenant was properly served with the notice to end tenancy and the notice of hearing and evidence documents by registered mail.

The Landlord has established a claim for the unpaid rent of \$1,000.00 for January 2011, the \$20.00 late rent fee and \$25.00 NSF fee. I find that the Landlord is entitled to a monetary order for the above noted things and as such find that the Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$1,095.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$1,095.00.

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: February 02, 2011.

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Residential Tenancy Branch