

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened in response to the landlord's application seeking a monetary Order for unpaid rent and recovery of the filing fee paid for this application.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Issue(s) to be Decided

Is the landlord entitled to the Orders sought?

Background and Evidence

The parties entered into a written tenancy agreement setting a fixed term of 2 months ending August 31, 2010. At the end of the fixed term the parties stated that the tenancy may continue on a month-to-month basis or for another fixed length of time.

Rent, payable on the first of each month, was fixed at \$2,700.00 and although there are some electronic mails discussions which indicate a deposit may have been paid and then deducted by the tenant from some later rental payments. However, according to the written Agreement no security deposit was paid and the landlord has not sought to retain a deposit in his Application for Dispute Resolution.

The tenant testified that he spoke with the landlord on September 1, 2010 to advise him that he would be staying another week to 10 days. The tenant testified that he did vacate the premises on October 13, 2010. The tenant testified that he rented the premises for work purposes only and it was meant to be a temporary arrangement. The tenant says he is from Alberta and he believes that the landlord is taking unfair advantage of him and his lack of knowledge of British Columbia Residential Tenancy rules.

The landlord testified that he did try to offer the tenant a daily rate to end this tenancy amicably but this was not acceptable to the tenant. The landlord testified that if he received October's rent in the sum of \$2,700.00 that would be sufficient.

Analysis

Rent is a debt due and payable on the due date in full. In this case rent was due on the first of each month. By his testimony the tenant remained in the rental unit until October 13, 2010 yet the evidence is that he did not pay rent for October. I therefore find that that landlord is entitled to rent for October in the sum of \$2,700.00. I have insufficient evidence of mitigation from the landlord to award November's rent and the landlord has stated that an award for October' rent would be sufficient.

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$2,700.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$2,750.00

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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*.