

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties to this tenancy attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The parties agreed that the landlord sent and the tenant received the landlord's dispute resolution hearing package by registered mail sent on March 18, 2011.

At this hearing, the landlord said that there were two tenants originally identified in the landlord's application. The female tenant who was identified in the landlord's original application attended the hearing. The landlord and the female tenant testified that she vacated the rental unit before the end of March 2011 and paid the landlord her half of the monetary award that the landlord was seeking on March 20, 2011. Since the landlord was no longer seeking any action regarding the female tenant, the landlord asked that the female tenant's name be removed from the application and the male tenant remain as the sole respondent in the landlord's application. Pursuant to the *Act*, I agreed to the landlord's request to amend the landlord's application. The male tenant, now shown as the sole tenant in the landlord's application, did not attend this hearing.

The landlord testified that she has now received a notice to end tenancy from the male tenant indicating his intention to end this tenancy and vacate the rental unit by May 1, 2011. She asked that the landlord's application be amended to remove the request for an Order of Possession. The landlord also reduced the amount of her application for a monetary award from \$3,725.00 to \$1,355.00, the amount still owing from this tenancy. In accordance with the *Act*, I agreed to the landlord's requests to modify her application in this way.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent and losses arising out of this tenancy? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This one-year fixed term tenancy to the male and female tenant commenced on April 1, 2010. Monthly rent is set at \$1,200, payable in advance on the first of each month. The landlord continues to hold the tenants' \$600.00 security deposit paid on April 1, 2010 and the tenants' \$200.00 pet damage deposit paid on November 1, 2010.

The landlord's application for a monetary award of \$3,725.00 included unpaid rent from February to May 2011 and applicable late fees. The landlord also applied to recover the filing fees for this application from the tenant.

At the hearing, the landlord testified that the female tenant who attended the hearing paid \$1,200.00 on March 20, 2011, her half of the amount the landlord considered owing from March and April 2011. The landlord said that she applied this payment to the outstanding March 2011 rent for this tenancy, leaving the April 2011 rent still owing.

The landlord requested a monetary award from the male tenant for the following items:

Item	Amount
Unpaid Rent and Late Fees Owing for January and February 2011	\$65.00
Late Fee March 2011	20.00
Unpaid April 2011 Rent	1,200.00
Late Fee April 2011	20.00
Recovery of Filing Fee for this application	50.00
Total Monetary Award Requested	\$1,355.00

Analysis

Based on the undisputed evidence presented, I issue a monetary award in the landlord's favour in the requested amount of \$1,355.00. Since the landlord has been successful in this application, I allow the landlord to recover the \$50.00 filing fee from the tenant.

Conclusion

I issue a monetary Order in the landlord's favour in the amount of \$1,355.00, which includes recovery of the landlord's \$50.00 filing fee.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.