



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**     OPR, MNR, FF

### **Introduction**

This hearing was convened by way of conference call to deal with the landlord's application for an Order of Possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of this application.

The landlord and a witness both attended the conference call hearing, provided affirmed testimony, and the landlord provided evidence in advance of the hearing. However, despite being served with the Landlord's Application for Dispute Resolution and notice of hearing documents on May 24, 2011 personally, the tenant did not attend. All evidence and testimony provided has been reviewed and is considered in this Decision.

During the course of the hearing, the landlord withdrew the application for an Order of Possession.

### **Issue(s) to be Decided**

Is the landlord entitled to a monetary order for unpaid rent or utilities?

### **Background and Evidence**

The landlord's witness testified that she served the tenant personally on May 24, 2011 with a copy of the Landlord's Application for Dispute Resolution and notice of hearing documents.

The landlord testified that this month-to-month tenancy began on November 1, 2010 and ended on May 26, 2011 when the tenant moved from the rental unit. Rent in the amount of \$800.00 per month was payable in advance on the 1<sup>st</sup> day of each month. No security deposit or pet damage deposit was collected by the landlord.

The landlord further testified that the tenant was always behind in the rent, and failed to pay rent when it was due in March, April and in May, 2011 and the landlord served the

tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The tenant moved from the rental unit leaving a balance of \$2,400.00 outstanding.

### **Analysis**

Having heard the evidence of the landlord and the witness, I find that the landlord has caused the Landlord's Application for Dispute Resolution and notice of hearing documents to be served on the tenant, and I find that the tenant was served with those documents personally on May 24, 2011. The tenant did not attend the hearing, and the landlord's evidence and testimony is not disputed. Therefore, I find that the landlord is entitled to a monetary order for unpaid rent in the amount of \$2,400.00. The landlord is also entitled to recovery of the \$50.00 filing fee for the cost of this application.

### **Conclusion**

For the reasons set out above, I hereby grant a monetary order in favour of the landlord pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$2,450.00. This order may be filed in the Provincial Court of British Columbia, Small Claims division and enforced as an order of that Court.

The landlord's application for an Order of Possession is hereby dismissed as withdrawn.

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: June 15, 2011.

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Residential Tenancy Branch