

## **DECISION**

Dispute Codes      OPR, MNR, FF

### **Introduction**

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

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover her filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 1:11 p.m. in order to enable them to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord's agent said that she posted a 10 Day Notice to End Tenancy for Unpaid Rent (a 10 Day Notice) on the tenants' door on June 7, 2011. She said that she handed a second 10 Day Notice for unpaid rent for July 2011 to the male tenant on July 8, 2011. She testified that she handed the male tenant a copy of the landlord's dispute resolution hearing package on July 8, 2011. I am satisfied that the landlord served these documents to the tenants in accordance with the *Act*.

At the commencement of the hearing, the landlord's agent testified that the tenants vacated the premises on August 3, 2011. As such, she withdrew the landlord's application for an Order of Possession.

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

Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

### **Background and Evidence**

The landlord's agent testified that this month-to-month tenancy commenced on May 1, 2011. Monthly rent was set at \$1,000.00, payable in advance on the first of each month. No security deposit was paid or requested for this tenancy.

The landlord's agent and the landlord testified that the only rent received for this tenancy was \$1,000.00 for the first month's rental for May 2011. The landlord's agent and landlord testified that the tenants have not made any further rent payments. The landlord applied for a monetary award of \$3,000.00 for non-payment of rent for June, July and August 2011.

Analysis

Based on the undisputed testimony of the landlord and the landlord's agent, I find that the landlord is entitled to a monetary award of \$2,000.00 for unpaid rent for June and July 2011. I find that the landlord is also entitled to a monetary award of \$500.00 for August 2011. I limit the landlord's monetary award for August 2011 to one-half month's rent as the tenants vacated the rental unit early in August and the landlord may still be able to rent the premises to another tenant for a portion of August 2011.

Conclusion

I issue a monetary Order in the landlord's favour in the following terms which allows the landlord to recover unpaid rent and the cost of her filing fee from the tenant:

<b>Item</b>	<b>Amount</b>
Unpaid June 2011 Rent	\$1,000.00
Unpaid July 2011 Rent	1,000.00
Monetary Award for One Half of Unpaid August 2011 Rent	500.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$2,550.00</b>

The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible. Should the tenant(s) 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.

The landlord's application for an Order of Possession was withdrawn at the hearing.

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*.