



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*OPR, CNR, OPC, CNC, MNR, MNDC, FF*

### **Introduction.**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notices to end tenancy

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The landlord served the tenant with two notices to end tenancy – one for cause on June 28, 2011 and the second one for non payment of rent on July 02, 2011. At the start of the hearing the tenant informed me that she intended to move out on August 18, 2011. Therefore the tenant's application to cancel the notices to end tenancy was dismissed and the hearing only dealt with the landlord's application for a monetary order for unpaid rent and the filing fee.

Shortly after the tenant announced her intention to move out on August 18, 2011, she hung up and left the hearing by conference call. The remainder of the hearing continued on without the tenant in attendance.

### **Issues to be decided**

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

### **Background and Evidence**

This month to month tenancy started on February 01, 2011. Rent is set at \$550.00 due on the first day of each month.

The landlord stated that the tenant did not pay rent for July or August and is claiming \$1,100.00 in unpaid rent.

### **Analysis**

The tenant agreed to move out on August 18, 2011. Therefore, pursuant to section 55(2), I am issuing a formal order of possession effective on or before 1:00p.m. on August 18, 2011. This Order may be filed in the Supreme Court for enforcement.

Based on the sworn testimony of the landlord and in the absence of contradictory testimony, I accept the landlord's evidence in respect of the claim. The tenant did not pay rent for July or August and therefore I find that the landlord has established a claim of \$1,100.00 for unpaid rent. Since the landlord has proven her case she is entitled to the recovery of the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective on or before **1:00 p.m. on August 18, 2011**. I also grant the landlord a monetary order in the amount of **\$1,150.00**.

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: August 03, 2011.

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Residential Tenancy Branch