



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent and to recover the filing fee for this proceeding. The Landlord said the tenancy has ended and as a result, I find that it is unnecessary to deal with his application for an Order of Possession and it is dismissed without leave to reapply.

The Landlord said he served the Tenant in person on August 24, 2011 with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issue(s) to be Decided

1. Are there rent arrears and if so, how much?

### Background and Evidence

This month-to-month tenancy started on June 1, 2011. Rent was \$850.00 per month. The Tenant paid a security deposit of \$425.00.

The Landlord said on July 21, 2011 he gave the Tenant a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 21, 2011 by posting it to the rental unit door because she had rent arrears for July of \$425.00. The Landlord said the Tenant made a payment of \$425.00 on August 3, 2011 and told him that she would be moving out on August 15, 2011 however she did not vacate until September 18, 2011 (when she also returned the keys to the rental unit). Consequently, the Landlord said the Tenant has not paid rent for August and September 2011.

### Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover rent arrears of \$850.00 for August 2011. I also find that the

Landlord is entitled to recover unpaid rent for the period, September 1 – 18, 2011, in the pro-rated amount of \$510.00 and a loss of rental income for the period, September 19 – 30, 2011 in the pro-rated amount of \$340.00. The Landlord is also entitled pursuant to s. 72(1) of the Act to recover from the Tenant the \$50.00 filing fee he paid for this proceeding.

### Conclusion

A Monetary Order in the amount of **\$1,750.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order 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*.

Dated: September 22, 2011.

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Residential Tenancy Branch