



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 dealt with an Application for Dispute Resolution by the landlord to obtain a Monetary Order for unpaid rent, and to recover the filing fee paid for this application. At the outset of the hearing the landlord stated the tenant has moved from the rental unit and therefore he abandons his application for an Order of Possession.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, and were given to the tenant in person on August 24, 2011

The landlord appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

- Is the landlord entitled to a Monetary Order to recover unpaid rent?

Background and Evidence

The landlord testifies that this month to month tenancy started on November 01, 2003. Rent for this unit was \$495.00 per month due on the 1st of each month.

The landlord testifies that the tenant did not pay rent for June, July or August, 2011 to the sum of \$1485.00. The landlord states the tenant was served with Notice to End Tenancy on August 11, 2011 by posting it to the tenants' door. This Notice states the tenants have five days to pay the outstanding rent or dispute the Notice by applying for dispute resolution or the tenancy will end on August 24, 2011. The landlord testifies the tenants did not pay the outstanding rent and moved from the rental unit on or about August 24, 2011. The landlord has applied for a Monetary Order to recover the unpaid rent from the tenant plus the \$50.00 filing fee.

The landlord has provided a copy of the 10 Day Notice to End Tenancy, a letter from the caretaker of the property concerning unpaid rent and proof of service of the 10 Day Notice

Analysis

The tenant did not appear at the hearing to dispute the landlords' claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenant, I have considered the landlords documentary evidence and affirmed testimony before me. S. 26 of the *Act* states a tenant must pay rent on the day it is due. The landlord has testified that rent is due on the 1st day of each month and the tenant failed to pay rent for June, July and August, 2011. Therefore, I find the landlord is entitled to recover rent arrears **\$1,485.00** pursuant to s. 67 of the *Act*.

As the landlord has been successful with his claim I find he is entitled to recover the **\$50.00** filing fee from the tenant pursuant to section 72(1) of the *Act*. The landlord will receive a monetary order for **\$1,535.00**.

Conclusion

I HEREBY FIND in favor of the landlords' monetary claim. A copy of the landlords' decision will be accompanied by a Monetary Order for **\$1,535.00** comprised of unpaid rent and the filing fee. The order must be served on the tenant and is enforceable through the Provincial Court 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 27, 2011.

Residential Tenancy Branch