



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

At the hearing the landlord withdrew his claim for an order of possession as the tenant had vacated the rental unit. The hearing proceeded to address only the monetary claim.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenant was obligated to pay \$1,200.00 per month in rent and that he had failed to pay \$100.00 of his rent in May 2011 and had paid no rent whatsoever in the months of June – September inclusive. The tenant stated that he vacated the rental unit on September 25 and argued that he felt he should not have to pay a full month's rent for that month.

Analysis

The tenant had a contractual obligation to pay rent for the full month of each month in which he occupied the rental unit. Even though he moved out 5 days before the end of September, he deprived the landlord of income for the full month of September. I find that the tenant should be held liable for the \$100.00 in rental arrears for May and the full amount of rent for each of the months of June – September inclusive. I also find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application.

Conclusion

I grant the landlord a monetary order under section 67 for \$4,950.00. This order may be filed in the Small Claims Division of the Provincial Court 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: October 13, 2011

Residential Tenancy Branch