



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, MNR, MNDS, FF*

Introduction

This hearing dealt with an application by the Landlord for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on October 14, 2011, in person. The landlord filed proof of service. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant moved out mid October without notice, and the returned the keys on October 17, 2011. Since the tenant moved out, the landlord's application for an order of possession was not relevant and accordingly dismissed.

During the hearing, the landlord requested that her application to retain the security deposit be withdrawn, with leave to reapply upon receipt of the tenant's forwarding address. Accordingly, the portion of the landlord's to retain the security deposit is dismissed with leave to reapply.

Therefore, this hearing only dealt with the landlord's application for a monetary order for unpaid rent and the filing fee.

Issues to be decided

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

Background and Evidence

The tenancy started March 01, 2011 for a fixed term ending on August 31, 2011. The rent was \$1,200.00 due on the 1st of the month. The tenant failed to pay rent for October 2011 and on October 06, 2011; the landlord served the tenant with a ten day notice to end tenancy. The tenant moved out on October 15, 2011, without paying rent. The landlord stated that despite her efforts to find a new tenant, the unit remains vacant.

The landlord is applying for a monetary order for rent owed for October (\$1,200.00) and for the filing fee (\$50.00) for a total of \$1,250.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to \$1,200.00 for unpaid rent. Since the landlord has proven her case, she is also 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 \$1,250.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$1,250.00**

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: November 08, 2011.

Residential Tenancy Branch