



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 by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant on December 21, 2011 by registered mail. The landlord filed a tracking number. 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 on December 30, 2011. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on September 01, 2011 for a fixed term ending August 31, 2012. The monthly rent was \$1,250.00 due in advance on the first of each month.

The tenant owed \$750.00 for October and failed to pay rent for December. On October 03, 2011, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$750.00. The tenant also failed to pay \$1,250.00 on December 01, 2011 and on December 06, 2011; the landlord served her with a second notice to end tenancy for unpaid rent.

The tenant moved out on December 30, 2011 without paying rent. The landlord is also claiming rent for January 2012, as the tenant moved out without notice and the rental unit is vacant as of the date of the hearing (January 09, 2012).

Analysis

Based on the sworn testimony of the landlord and in the absence of contradictory evidence from the tenant, I accept the landlord's evidence in respect of the claim. I find that the landlord has established a claim for rent owed for October 2011 (\$750.00) plus rent for December 2011 (\$1,250.00).

Since the landlord is actively looking for a tenant and may succeed in finding one for the remainder of January, I dismiss the landlord's claim for rent for January with leave to reapply. The landlord has proven her claim and is therefore also entitled to the recovery of the filing fee (\$50.00).

Overall the landlord has established a total claim of \$2,050.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 for **\$2,050.00**

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: January 09, 2012.

Residential Tenancy Branch