

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord stated in her direct testimony that the notice of hearing and evidence package was personally delivered to the Tenants on June 20, 2012. I accept the undisputed testimony of the Landlord and find that both Tenants were served in person on June 20, 2012 with the notice of hearing and evidence packages.

It was clarified by the Landlord at the beginning of the hearing that she believes that the Tenants abandoned the rental unit as early as June 20, 2012 as she has been unable to contact them since. The Landlord further states that she has posted notices of entry on the rental unit with no responses and that the Landlord attended and inspected the rental property. The Landlord states that although there is still furniture in the rental, all of the Tenants clothing and personal belongings are gone. As such, an order of possession is not required.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on April 1, 2012 on a fixed term tenancy until March 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$910.00 payable on the 1st of each month and a security deposit of \$455.00 was paid.

The Landlord states that the Tenants were served with the 10 day notice to end tenancy for unpaid rent dated June 8, 2012 on the same date in person. The Landlord has submitted a proof of service document which the Tenant signed for in acknowledgement. The notice states that outstanding rent of \$890.00 was due on June 1, 2012 and was not paid. The effective date of the notice is June 18, 2012. The

Landlord stated that the Tenant gave a cheque for \$890.00 which was returned NSF and that the Tenant also gave \$20.00 in cash on June 1, 2012.

The Landlord seeks a monetary order for the outstanding \$890.00 June rent and \$910.00 for loss of rental income.

I accept the Landlord's undisputed testimony and find that the Tenant's failed to pay the outstanding \$890.00 rent for June after having been served the 10 day notice to end tenancy for unpaid rent on June 8, 2012.

The Landlord has indicated that the Tenant abandoned the unit as early as June 20, 2012 and has not provided any evidence of trying to mitigate their losses for July by re-renting the unit. On this basis, I find that the Landlord is not entitled to the claim of loss of rental income for July. This portion of the monetary claim is dismissed.

The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$940.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$940.00.

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: July 11, 2012.

Residential Tenancy Branch