



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 was scheduled in response to the application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

As the tenants vacated the unit on or about July 20, 2012, I consider the application for an order of possession to be withdrawn.

During the hearing the landlord withdrew the aspect of the application which concerns the \$25.00 fee assessed for late payment of rent.

Issue(s) to be Decided

Whether the landlord is entitled to a monetary order as compensation for unpaid rent and / or recovery of the filing fee.

Background and Evidence

Tenant "KR" was employed by the landlord as a "caretaker." The employer – employee relationship between them ended on or about February 17, 2012. Thereafter, their relationship became more exclusively landlord – tenant. The parties reached an agreement pursuant to which the tenants could reside rent-free in the unit for the four (4) month period of from March to June 2012. Following that, there is no dispute that the tenants would either vacate the unit or pay monthly rent in the amount of \$1,000.00. As the tenants had not vacated the unit by June 30, 2012, and as no rent was paid on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 4, 2012. The notice was served in person on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent and, as noted above, they vacated the unit on or about July 20, 2012. No new renters have yet been found for the unit.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated July 4, 2012. The tenants did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and vacated the unit on or about July 20, 2012. The unit still presently remains vacant.

As for the monetary order, I find that the landlord has established a claim of \$1,050.00, which is comprised of unpaid rent for July 2012 in the amount of \$1,000.00, in addition to the \$50.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,050.00. Should it be necessary, this order may be served on the tenants, filed in the Small Claims 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: August 08, 2012.

Residential Tenancy Branch