



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee.

The landlord testified that he served the tenant with the notice of hearing on June 22, 2012, by registered mail. The landlord filed a copy of the tracking slip. 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.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on July 01, 2010. The monthly rent is \$1,380.00 payable on the first of each month.

The landlord stated that the tenant failed to pay rent for May and on May 07, 2012; the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice nor did he apply to cancel the notice to end tenancy. The landlord applied for an order of possession and was granted one on June 21, 2012. The landlord served the order on the tenant at the end of June. The tenant moved out sometime before July 02 without informing the landlord.

The landlord stated that he was not able to find a tenant for July and is claiming rent for the months of May, June and July.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant did not pay rent for May, June and July 2012. Therefore, I find that the landlord is entitled to rent for these months in the total amount of \$4,140.00.

Since the landlord has proven his case, he is 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 \$4,190.00. 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 of **\$4,190.00**.

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: August 15, 2012.

Residential Tenancy Branch