

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 or utilities 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 states that the Tenant was served with the notice of hearing and evidence package on October 16, 2012 by Canada Post Registered Mail. The Landlord has provided in his direct testimony the Customer Tracking number as confirmation. I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the notice of hearing and evidence package submitted.

The Landlord clarified at the beginning of the hearing that he believes that the Tenant abandoned the rental unit sometime during the end of October 2012. The Landlord states that he was contacted by the Strata who informed him that the Tenant were moving furniture out of the building and left furniture in the parking garage elevator area and for him to have the furniture removed. The Landlord states that he attended the rental property in early November and believes the Tenants have vacated. As such, the Landlord's application for an order of possession is withdrawn. No further action is required for this portion of the application.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on October 30, 2011 on a fixed term tenancy and ends on October 30, 2012 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$2,195.00 payable on the 1st of each month and a pet damage deposit of \$1,097.50 and a security deposit of \$1,097.50 was paid on October 28, 2011.

The Landlord has provided undisputed direct testimony and documentary evidence that the Tenant failed to pay August 2012 rent on time, the September 2012 post dated rent

cheque was returned NSF, made a \$970.00 payment towards the \$1,000.00 strata fines and failed to pay the October 2012 rent. The Landlord states that repeated attempts to contact the Tenants have failed through telephone calls and emails.

I find based upon the undisputed evidence submitted by the Landlord that he has established a claim for \$4,589.80. I find that the calculations provided by the Landlord are inconsistent with the monthly rent of \$2,195.00 as indicated on the signed tenancy agreement. The Landlord has provided no details of what the additional \$100.00 per month amount is for. The established claim consists of the partial rent owing of \$169.80 for August 2012, unpaid rent of \$2,195.00 for the returned NSF September 2012 rent cheque, \$30.00 outstanding from the strata fines and \$2,195.00 for October 2012 rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is entitled to a monetary order under section 67 for the balance due of \$4,639.80. 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 \$4,639.80.

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 14, 2012.

Residential Tenancy Branch