



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing the Tenant stated that he had vacated the rental unit at the end of January 2013. The Landlord disputes this stating that the Tenant had vacated on either February 2 or 3. As such, no further action is required for an order of possession as both parties have confirmed that the Tenant has vacated and the Landlord has possession of the rental unit. It was also clarified by the Landlord that the only claim being made is for unpaid rent and recovery of the filing fee.

During the hearing, the Tenant provided a new forwarding address for which the Residential Tenancy Branch (CMS) system will be updated.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

Both parties confirmed that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated December 31, 2012. The notice states that rent of \$700.00 was due on December 1, 2012 and was unpaid. The stated effective date of the notice is January 15, 2013.

The Landlord seeks a monetary order for unpaid rent of \$1,400.00. This consists of unpaid rent of \$700.00 for December and \$700.00 for January.

The Tenant stated in his direct testimony that he did not pay the rent on time, but that he made a \$300.00 partial rent payment for December and did not pay any rent for January. The Landlord disputes this stating that the no rent has been paid for the two months. The Tenant states that he is unable to provide any evidence to support his claim of a partial rent payment.

I accept the testimony of both parties and find based upon the Tenant's own admission that he was served with the 10 day notice to end tenancy dated December 31, 2012. The Tenant has admitted in his direct testimony that rent was not paid. I find on a balance of probabilities that the Landlord has established a claim for \$1,400.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,450.00. 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 \$1,450.00.

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: February 05, 2013

Residential Tenancy Branch

