



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 dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on November 21, 2012 in accordance with Section 89. Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord testified the tenants vacated the rental unit in November 2012 and there is no longer a need for an order of possession. I amend the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlord testified the parties signed a tenancy agreement for a tenancy beginning on October 1, 2011 for a month to month tenancy for the monthly rent of \$600.00 due on the 1st of each month and a security deposit of \$300.00 was paid.

The landlord provided as evidence a copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on November 5, 2012 with an effective vacancy date of November 15, 2012 due to \$1,800.00 in unpaid rent.

The landlord testified the tenant failed to pay the full rent owed for the months of September, October, and November 2012 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent personally on November 5, 2012.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days.

Analysis

Based on the landlord's undisputed testimony I accept the tenant has failed to pay rent for the months of September, October, and November 2012 and that the landlord is entitled to rent for those 3 months in the amount of \$600.00 per month.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,850.00** comprised of \$1,800.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: February 22, 2013

Residential Tenancy Branch