



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession for cause and a monetary order for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on February 7, 2013. The Landlord states that on February 12, 2013 the Tenant sent a text message to the Landlord stating that he had vacated the rental unit on February 11, 2013 and provided a forwarding address by text at his mothers residence. The Landlord re-sent the notice of hearing package by Canada Post Registered Mail on February 14, 2013 and states that the Tenant's mother signed for the package. The Landlord has provided copies of both Canada Post Customer Receipts as confirmation. The Landlord states that the submitted evidence package was sent by Canada Post Registered Mail on February 22, 2013 and states that an online search showed that the Tenant's mother signed for the evidence package. I accept the undisputed evidence of the Landlord and find that the Tenant was properly served with the notice of hearing package and evidence submitted for this hearing.

The Landlord has clarified at the beginning of the hearing that an order of possession is no longer required as the Tenant has vacated. 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 27, 2012 on a fixed term tenancy until October 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$1,600.00 payable on the last day of the month for the next months rent.

The Landlord seeks a monetary claim of \$1,600.00 for unpaid rent for February 2013. The Landlord states that the Tenant failed to pay rent of \$1,600.00 for February that was due on the last day of January 2013. The Landlord states that they had new renters available for February 2, 2013, but were unable to re-rent at that time because the Tenant had not yet vacated the rental. The Landlord states that they were informed by text message on February 12, 2013 that the Tenant had vacated the rental unit on February 11, 2013. The Landlord states that possession was gained February 16, 2013, but that they could not re-rent the unit until a final inspection was performed with both parties. The Landlord states that the Tenant was given two opportunities for a condition inspection report for the move-out, but did not respond to their communication. The Landlord states that a final inspection was eventually performed with the Tenant and New Tenants moved in early on February 25, 2013 for March 1, 2013.

I accept the undisputed testimony of the Landlord and find that the Tenant over-held the rental unit and failed to pay rent of \$1,600.00 for the month of February. The Landlord was prevented from mitigating any losses by re-renting the unit because of the Tenant's refusal to respond to the Landlord's request for a condition inspection report. The Landlord has established a claim for \$1,600.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,650.00. 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 \$1,650.00.

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: March 01, 2013

Residential Tenancy Branch

