



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC and FF

### Introduction

This hearing was convened on an application made by the landlord on June 3, 2013 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by registered mail on April 5, 2013. The landlord also sought a Monetary Order for the unpaid rent, loss of rent and recovery the filing fee for this proceeding.

Despite having been served with the Notice of Hearing sent by registered mail June 4, 2013, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit sometime in the first week of June 2013 without having given notice and without providing a forwarding address.

### Issue(s) to be Decided

This application now requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and recovery of his filing fee.

### Background and Evidence

This tenancy began on July 1, 2010. Rent is \$900 per month and the landlord stated that security deposit had been previously applied to another purpose.

During the hearing, the landlord gave evidence that he had served the Notice to End Tenancy of April 5, 2013 by registered mail when the tenant had failed to pay the rent due on April 1, 2013.

In the interim, the tenant remained in the rental unit until early June, but the April rent remained unpaid and the tenant had not paid rent for May or June of 2013. His failure to provide notice precluded the landlord from advertising for new tenants in time to make a June 2013 tenancy possible.

Therefore, the landlord requested a Monetary Order for the unpaid rent for April and May 2013 and for rent and loss of rent for June 2013.

### Analysis

Section 26 of the *Act* provides that tenants must pay rent when it is due whether or not the landlord is in compliance with the legislation or rental agreement.

Section 46 of the *Act* provides that a landlord may issue a Notice to End Tenancy for unpaid rent on a day after the rent is due. Tenants may cancel the notice by paying the overdue rent or make application to dispute the notice within five days of receiving it.

In this instance, the tenant did not pay the rent within five days of receiving the notice and vacated the rental unit in June 2013.

Section 67 of the *Act* authorizes the director's delegate to determine an amount owed by one party to a rental agreement to the other and to order payment of that amount.

Accordingly, I find that the landlord is entitled to a Monetary Order for the unpaid rent. I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenant.

Thus, I find that the landlord is entitled to a Monetary Order calculated as follows:

Rent for April 2013	\$ 900.00
Rent for May 2013	900.00
Rent/loss of rent for June 2013	900.00
Filing fee	<u>50.00</u>
<b>TOTAL</b>	<b>\$2,750.00</b>

### Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order for **\$2.750**, enforceable through the Provincial Court of British Columbia, for service on the tenant.

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: June 27, 2013

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Residential Tenancy Branch

