



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

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

Both parties attended the hearing by conference call and gave testimony. The Landlord has acknowledged receiving the Tenant's documentary evidence. The Tenant has acknowledged receiving the notice of hearing package and the Landlord's documentary evidence. I am satisfied that both parties have been properly served with the notice of hearing package and the submitted documentary evidence.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background and Evidence

Both parties agreed that there was a verbal tenancy agreement on a month to month basis which began in May of 2012 and ended on April 1, 2013. The monthly rent was \$550.00. No security deposit was taken.

Both parties agreed that the Tenant gave verbal notice on March 9, 2013 to vacate the rental unit on April 1, 2013. The Landlord states that she immediately tried to re-rent the unit but was unsuccessful. The Tenant states that she was verbally notified by the Landlord that she would need to vacate the rental unit by May 1, 2013 as the Landlord was trying to sell the house. The Landlord disputes this stating that no notices verbal or otherwise were ever conveyed to the Tenant to vacate the rental unit. The Landlord also relies on a copy of a post dated rent cheque which the Tenant stopped payment on.

Analysis

I find on a balance of probabilities that I prefer the evidence of the Landlord over that of the Tenant. There is no supported evidence from the Tenant that the Landlord gave the Tenant any notice to end the tenancy. The direct testimony of the Tenant confirms that this was a month to month tenancy where the Tenant failed to provide proper notice of 1 month to end the tenancy and the Landlord's evidence of a post dated rent cheque where the Tenant placed a stopped payment on. The undisputed evidence of the Landlord shows that efforts were made to mitigate any losses. The Landlord has established a monetary claim for \$550.00 for unpaid rent. The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$600.00. 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 \$600.00.

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: July 31, 2013

Residential Tenancy Branch