



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*OPR, MNR, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent. The landlord also requested that the recovery of the filing fee be added to his application.

The notice of hearing was served on the tenant on July 30, 2013 in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant moved out on August 30, 2013. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started on September 01, 2010. The monthly rent was \$1,160.00 due on the first of each month.

The landlord testified that the tenant was constantly behind on rent and on July 17, 2013, the landlord served the tenant with a ten day notice to end tenancy for \$10,600.00 in unpaid rent. The tenant did not dispute the notice and moved out on August 30, 2013. The landlord stated that to minimise his losses with filing fees and because he is aware that collecting unpaid rent from the tenant would likely not happen, he reduced the amount of his claim to \$5,000.00.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim.

I find that the landlord is entitled to his claim for unpaid rent. Since the landlord has proven his case, I also award him the recovery of the filing fee of \$50.00. Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for \$5,050.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$5,050.00**.

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: September 06, 2013

---

Residential Tenancy Branch

