



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent, for the loss of rental income and recovery of the filing fee.

The landlord attended the hearing by conference call and stated that he wished to have his sister, A.I. attend and speak on his behalf. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package and the submitted documentary evidence in person on February 12, 2014 at the rental property. I accept the undisputed testimony of the landlord and find that the tenant has been properly served with the notice of hearing and submitted documentary evidence.

At the beginning of the hearing, the landlord's agent stated that the tenant had vacated the rental unit as of February 28, 2014 and no longer seeks an order of possession. As such, no further action is required for this portion of the application.

The landlord's agent also clarified that as the tenant has already vacated that the monetary claim is amended for unpaid rent for February 2014 for \$1,000.00 from \$3,000.00.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began on August 1, 2013 on a fixed term tenancy ending on August 1, 2014 as shown by the landlord's submitted copy of the signed tenancy agreement. The monthly rent is \$1,000.00 payable on the 30th day of each month and a security deposit of \$500.00 was paid.

The landlord states that a 10 day notice to end tenancy issued for unpaid rent dated January 31, 2014 was personally served upon the tenants on the same date. The notice states that the tenants failed to pay rent of \$1,000.00 that was due on January 30, 2014. The notice also states an effective end of tenancy date of February 11, 2014.

The landlord has also submitted a proof of service documents which states that the tenant was served with the 10 day notice to end tenancy dated January 31, 2014 by posting it on the tenant's door on January 31, 2014 with a witness.

The landlord seeks a monetary order for unpaid rent of \$1,000.00 for February 2014.

Analysis

I accept the undisputed evidence of the landlord's agent and find that the tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent of \$1,000.00. The tenant has vacated the rental unit by February 28, 2014 and has not paid any rent for February 2014.

I find that the landlord has established a claim for unpaid rent of \$1,000.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the balance due of \$1,050.00. 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 \$1,050.00.

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: April 01, 2014

Residential Tenancy Branch

