



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing was scheduled to deal with a landlord's Application for an Order of Possession for cause; and, a Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord testified that the hearing documents were given to the tenant in person on April 3, 2014. Based upon this undisputed testimony, I was satisfied the tenant has been served with notification of this proceeding and I continued to hear from the landlord without the tenant present.

The landlord stated the tenant vacated the rental unit on May 17, 2014. Since the landlord has regained possession of the rental unit I found that an Order of Possession was no longer required and I do not provide one with this decision.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for unpaid rent?

Background and Evidence

The month to month tenancy commenced December 1, 2013 and the tenant was required to pay rent of \$700.00 on the 1st day of every month. The tenant was served with a 1 Month Notice to End Tenancy for Cause dated February 22, 2014 with a stated effective date of April 1, 2014. The parties also executed a Mutual Agreement to End Tenancy with an effective date of April 1, 2014.

The tenant did not pay rent for March 2014 and did not move out of the rental unit until May 17, 2014. The landlord seeks to recover unpaid and/or loss of rent for the months of March, April and May 2014. The landlord testified that as of the date of the hearing the rental unit had not yet been re-rented. The landlord also testified that the security deposit was refunded to the tenant when he moved out.

Analysis

Under the Act, a tenant is required to pay rent in accordance with their tenancy agreement. I accept the undisputed evidence before me that the tenancy was set to end as of April 1, 2014 yet the tenant did not pay rent that was due for the month of March 2014. Therefore, I award the landlord unpaid rent for March 2014.

Based upon the 1 Month Notice and the Mutual Agreement to End Tenancy, I find the tenant was required under the Act to vacate the rental unit by April 1, 2014 and I accept the undisputed evidence before me that he failed to do so. Since the tenant remained in possession of the unit until May 17, 2014 I find the tenant violated the Act and I accept that this caused the landlord to suffer a loss of rent for the months of April and May 2014. Therefore, I grant the landlord's request to recover loss of rent for these months.

In light of all of the above, I grant the landlord's request to recover unpaid and/or loss of rent of \$2,100.00 for the three months of March through May 2014. I further award the landlord recovery of the filing fee paid for this Application. Therefore, the landlord is provided a Monetary Order in the total amount of \$2,150.00 to serve upon the tenant.

The Monetary Order may be filed in Provincial Court (Small Claims) to enforce as an order of the court.

Conclusion

The landlord has been provided a Monetary Order in the total amount of \$2,150.00 to serve and enforce.

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 04, 2014

Residential Tenancy Branch

