



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, 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 and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing was served on the tenant on April 01, 2015 by registered mail. The landlord provided a tracking number. 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 sometime in the middle of May without informing the landlord. Since the tenant has moved out, the landlord withdrew his application for an order of possession. The landlord also withdrew his application to retain the security deposit with a request to make application at a later date. Therefore, the portion of the landlord's application to retain the security deposit is dismissed with leave to reapply.

Accordingly, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

### **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, 2014. The monthly rent was \$775.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay rent for March 2015. On March 03, 2015, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

Sometime in the middle of May, the landlord found the rental unit vacant. The tenant had moved out without informing the landlord. At the time of the hearing the tenant owed the landlord unpaid rent for March, April and May 2015 in the total amount of \$2,325.

### **Analysis**

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes rent for March, April and May 2015 in the amount of \$2,325. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$2,375.00 I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 for **\$2,375.00**.

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: May 28, 2015

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Residential Tenancy Branch

