



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, CNR, MNR, RP, PSF, FF*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent, loss of income and for the recovery of the filing fee. The tenant applied for an order to cancel the notice to end tenancy and for an order directing the landlord to carry out repairs and provide services.

The landlord served the tenant with a notice of hearing on May 11, 2015 in person. Despite making application for dispute resolution and having been served with the landlord's notice of hearing package, the tenant did not attend the hearing. Therefore the tenant's application is dismissed without leave to reapply. Accordingly, this hearing only dealt with the landlord's application. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord stated that the tenant had moved out on May 31, 2015. Since the tenancy has ended, the landlord's application for an order of possession is no longer necessary.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, loss of income and the filing fee?

Background and Evidence

The tenancy started on May 18, 2012. The monthly rent was \$650.00 payable on the first of the month. The tenant failed to pay full rent for May 2015. On May 05, 2015, the landlord served the tenant with a notice to end tenancy for \$300.00 in unpaid rent. The tenant did not pay the balance of rent owed and moved out on May 31, 2015.

The landlord had applied for loss of income for June 2015 in addition to the balance of rent owed for May 2015. During the hearing the landlord amended the quantum of her claim to \$300.00 which is the balance of rent owed for May 2015. The landlord has also applied for the recovery of the filing fee of \$50.00

Analysis

Based on the undisputed sworn testimony of the landlord, I accept her evidence in respect of the claim. The tenant received the notice to end tenancy on May 05, 2015 and did not pay overdue rent within five days of receiving the notice. The tenant applied to dispute the notice but did not attend the hearing

In the absence of evidence to the contrary, I find that the landlord has established a claim of \$300.00 for unpaid rent. Since the landlord has proven her claim, I award her the recovery of the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$350.00. 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 **\$350.00**.

The tenant's application is dismissed in its entirety.

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 19, 2015

Residential Tenancy Branch

