



Dispute Resolution Services

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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, for a monetary order for unpaid rent and for the recovery of the filing fee.

The notice of hearing was served on the tenant on September 11, 2015 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 landlord testified that the tenant moved out on October 12, 2015. 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 June 01, 2015. The monthly rent was \$700.00 due on the first of each month. The rental unit was located in the basement of the landlord's home. The landlord lives upstairs.

The landlord testified that the tenant paid \$100.00 for July and failed to pay rent for August and September. The landlord stated that the tenant informed him that she had applied for disability and would pay rent as soon as she received funds. On September 02, 2015, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and moved out on October 12, 2015.

The landlord stated that he decided to use the unit for his own family and therefore did not rent the unit after the tenant moved out. The landlord is claiming rent for July - \$600.00, August- \$700.00, September - \$700.00 and \$350.00 for October 2015 for a total of \$2,350.00.

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 \$2,400.00. 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 **\$2,400.00**.

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: November 13, 2015

Residential Tenancy Branch

