



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent and cause pursuant to section 55;
- a Monetary Order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing the landlord testified that the tenant has vacated the rental unit on November 30, 2016 and the landlord is not seeking an Order of Possession. The landlord's application for an Order of Possession is withdrawn.

The landlord testified that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), dated November 2, 2016 was served personally on the tenant on the same date. In accordance with sections 88 of the *Act*, I find that the tenant was duly served with the landlords' 10 Day Notice on November 2, 2016.

The landlord testified that he personally served the landlord's application for dispute resolution dated November 24, 2016 on the tenant on that date. In accordance with sections 89 of the *Act*, I find that the tenant was duly served with the landlord's application on November 24, 2016.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord provided testimony regarding the following facts. This month-to-month tenancy began in June, 2016. The rent is \$600.00 payable on the 1st of the month. No security deposit was paid at the start of the tenancy.

The landlord testified that the tenant failed to pay the rent for October and November and the total rental arrears as of January 4, 2017 the date of the hearing is \$1,200.00.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$600.00. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$1,200.00. I issue a monetary award for unpaid rent owing of \$1,200.00 as at January 4, 2016, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The landlord's application for an Order of Possession is withdrawn.

I issue a monetary order in the landlord's favour in the amount of \$1,300.00 under the following terms, which allows the landlord to recover unpaid rent for the months of October and November, and the filing fee for the application:

Item	Amount
Unpaid Rent October	\$600.00
Unpaid Rent November	\$600.00
Filing Fee Recovery	\$100.00
Total Monetary Order	\$1,300.00

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: January 4, 2017

Residential Tenancy Branch