



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This is an application, brought by the Landlord, requesting an Order of Possession based on the notice to end tenancy for nonpayment of rent, and requesting a monetary order for outstanding rent and recovery of the filing fee.

The applicant testified that the respondent was personally served with notice of the hearing, by hand, on May 3, 2017; however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the conference call the applicant stated that he no longer requires an Order of Possession, as the tenant vacated the rental unit on May 29, 2017.

The issue I dealt with today therefore is whether or not the landlord has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on January 1, 2016 and the monthly rent is \$800.00 due on the first of each month.

The applicant testified that the tenant failed to pay the April 2017 rent and therefore on April 19, 2017 he personally served the tenant with a 10 day notice to end tenancy for nonpayment of rent.

The applicant further testified that the tenant failed to comply with that notice; however the tenant subsequently vacated the rental unit on May 29, 2017.

The applicant testified that the tenant has not paid any rent for the months of April 2017 and May 2017, and he is therefore requesting a monetary order for the total outstanding rent of \$1600.00, and for recovery of his \$100.00 filing fee.

Analysis

The landlord has provided a copy of the tenancy agreement that clearly shows of the monthly rent for this unit is \$800.00, due on the first of each month.

I accept the landlord's undisputed testimony that the tenant has failed to pay any rent for the months of April 2017, and May 2017, even though the tenant was in the rental unit until May 29, 2017.

Therefore, pursuant to sections 62, 67, and 72 of the Residential Tenancy Act, I allow the landlord's request for a monetary order for the outstanding rent and recovery of the filing fee.

Conclusion

I have issued a monetary order in the amount of \$1700.00.

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: June 07, 2017

Residential Tenancy Branch