



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL MNR FF

Introduction:

Only the landlord attended the hearing and gave sworn testimony. The Two Month Notice to End Tenancy for landlord's use of the property is dated January 28, 2017 to be effective April 14, 2017 and the landlord testified it and the Application for Dispute Resolution was served personally on the tenant with a witness (witness document is in the file). I find the documents were legally served pursuant to section 89 of the Act for the purposes of this hearing. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To obtain an Order of Possession for cause pursuant to section 49;
- b) To obtain a monetary order for unpaid rent; and
- c) To recover the filing fee for this application.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenancy is ended pursuant to section 49 and they are entitled to an Order of Possession? Is the landlord entitled to a monetary order for unpaid rent and to recover the filing fee?

Background and Evidence

Only the landlord attended the hearing and was given opportunity to be heard, to provide evidence and to make submissions. She said they recently bought this property which has acreage and several buildings. The tenant was already living there but they do not know for how long. Rent was \$550 payable on the 15th of each month and there was no security deposit. She said they have livestock and property to protect and realize they need a caretaker on site so they served the Two Month Notice.

Since serving the Notice, the landlord said the tenant has tried to avoid them. He vacated in the week of the 26th of May so they no longer require an Order of Possession. In conformance with the section 49 Notice, they gave him free rent for March 15 to April 14, 2017 but he did not pay rent for April 15 to May 14 (\$550) or for the

second half of May until he vacated (\$275). They request a monetary order for \$825 for unpaid rent and to recover the filing fee.

Analysis:

I find the landlord had good cause to end the tenancy pursuant to section 49 and they compensated the tenant with one month free rent pursuant to sections 49 and 51. I find they no longer require an Order of Possession as the tenant vacated on or about May 26, 2017.

I find the weight of the evidence is that the tenant owes \$825 in unpaid rent. I find the landlord entitled to a monetary order to recover this.

Conclusion:

I find the landlord entitled to a monetary order for \$925 representing 825 in unpaid rent and the filing fee of \$100.

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 21, 2017

Residential Tenancy Branch