



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, CNC, OLC, OPR, MNR, FF

Introduction

This was a cross-application hearing for Dispute Resolution under the *Residential Tenancy Act* (“the Act”).

On May 31, 2018, the Landlord applied for an early end of tenancy and an order of possession for the rental unit. On June 1, 2018, the Landlord applied for an order of possession and a monetary order based on the issuance of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2018.

On May 3, 2018, the Tenant applied to cancel a 1 Month Notice To End Tenancy For Cause dated April 29, 2018. On May 10, 2018, the Tenant applied for more time to make an application to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2018.

The matter was set for a conference call hearing. The Landlord attended the hearing; however the Tenant did not. The line remained open while the phone system was monitored for twelve minutes and the Tenant did not call into the hearing during this time. Therefore, as the Tenant did not attend the hearing by 11:12 am, I dismiss the Tenant’s applications to cancel the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2018, and the 1 Month Notice To End Tenancy For Cause dated April 29, 2018.

The Landlord testified that the Tenant moved out of the rental unit on June 3, 2018.

I find that the tenancy ended pursuant to section 44 of the Act when the Tenant vacated or abandoned the rental unit on June 3, 2018.

The Landlord testified that the rental unit has now sold and the new owner legally took possession of the unit on June 1, 2018.

Under section 55 of the Act, when a Tenants Application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

Since the tenancy ended when the Tenant vacated the rental unit, the Landlord does not require an order of possession.

The hearing proceeded on the Landlord's claim for a monetary order due to unpaid rent.

Issue to be Decided

- Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The Landlord testified that the tenancy commenced on October 1, 2017, as a 1 year fixed term tenancy. Rent in the amount of \$1,250.00 is due to be paid to the Landlord by the first day of each month. The Tenant paid the Landlord a security deposit of \$600.00.

The Landlord testified that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2018. The Notice indicates the Tenant has failed to pay \$1,250.00 that was due on May 1, 2018.

The Landlord testified that the Tenant did not pay any of the rent due under the tenancy agreement for the month of May 2018.

The Landlord is seeking a monetary order against the Tenant in the amount of \$1,250.00.

Analysis

The Tenant applied for more time to dispute the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated May 2, 2018, but failed to attend the hearing. I find that the Tenant failed to pay the rent owing under the tenancy agreement. I find that the Tenant owes the Landlord \$1,250.00 for May 2018, rent.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Landlord applied twice and was successful with his application to end the tenancy and recover unpaid rent, and since the Tenant did not attend the hearing, I order the Tenant to repay the \$200.00 that the Landlord paid to make applications for dispute resolution.

I grant the Landlord a monetary order in the amount of \$1,450.00. The monetary order must be served on the Tenant and may be enforced in the Provincial Court.

Since the tenancy ended when the Tenant vacated the unit, there is no need to consider the Landlord's application for an early end of tenancy, or the 1 Month Notice to End Tenancy for Cause dated April 29, 2018.

Conclusion

The Tenant disputed two notices to end tenancy and failed to attend the hearing. The Tenant vacated the rental unit prior to the hearing and the tenancy ended on June 3, 2018.

The Tenant failed to pay the rent due under the tenancy for the month of May 2018.

The Landlord is granted a monetary order for the unpaid rent and the cost of the filing fees in the amount of \$1,450.00.

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 27, 2018

Residential Tenancy Branch