



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing, by personal service, which was witnessed on April 17, 2023, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

At the outset of the hearing the landlord indicated that the tenant abandoned the rental unit, and they no longer require an order of possession.

Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The tenancy began on January 15, 2023. Rent in the amount of \$1,600.00 was payable on the 15th of each month. A security deposit of \$800.00 was paid by the tenant.

The landlord testified that they do not know exactly when the tenant vacated the rental unit; however, it was after they posted a notice to the door to access the rental unit that they discovered the rental unit was abandoned on April 27, 2023.

The landlord testified that the tenant failed to pay rent for March 2023, when they were served with the Notice and failed to pay subsequent rent for April 2023. The landlord stated that they have discovered that the tenant has a history of failing to pay rent.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

I accept the evidence of the landlord that they determined the rental unit was abandoned on April 27, 2023, after giving proper notice to enter the premises. I accept the undisputed testimony of the landlord that the tenant failed to pay rent for March and April 2023. I find the tenant breached the Act when they failed to pay rent. I find that the landlord has established a total monetary claim of \$3,300.00 comprised of unpaid rent for March and April 202 (\$3,200.00) and the \$100.00 fee paid by the landlord for this application. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

I caution the tenant that if they are developing a pattern of failure to pay rent they may find themselves before the Compliance and Enforcement Unit and could be the subject of an investigation and serious penalties could be applied.

Conclusion

The tenant failed to pay rent. The landlord is granted a monetary order for unpaid rent and to recover the cost of the filing fee.

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: May 15, 2023

Residential Tenancy Branch