

## **DECISION AND REASONS**

### Dispute Codes:

**OP, MNR, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of possession, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord stated that he personally served copies of the Application for Dispute Resolution and Notice of Hearing to each tenant on May 13, 2009 at the rental unit. These documents are deemed to have been served in accordance with section 89 of the *Act*, however the tenants did not appear at the hearing.

### Issue(s) to be Decided

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

Is the landlord entitled to an Order of possession?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy agreement requires the tenant to pay monthly rent of \$750.00 which is due on the day in the month that welfare cheques are issued.

The landlord issued a 10 Day Notice to End Tenancy for Unpaid rent dated April 1, 2009 for unpaid rent due on May 1, 2009. The landlord testified that the tenants moved out of the rental unit on June 10, 2009 and that they have left a number of belongings behind.

The landlord testified that the tenants owed \$60.00 rent from April and did not pay May or June rent. The landlord stated he is unable to rent the unit as he needs to deal with the belongings left by the tenants.

### Analysis

I find that the Notice to End Tenancy issued on April 1, 2009 for unpaid rent due on May 1, 2009 is of no force or effect. A Notice to end tenancy for unpaid rent may be issued by a landlord as required under section 46 of the *Act* which states that a landlord may end a tenancy if rent is unpaid on any day after the day it is due. The landlord has issued a Notice which pre-dates the date the May rent is due.

I have accepted the landlord's testimony that he has possession of the rental unit and that the tenants have abandoned their possessions. The landlord testified that he has talked with the tenants over the telephone and that there is no indication that they will return.

In the absence of evidence to the contrary, I find that the tenants have not paid rent in the amount of \$60.00 in April and \$750.00 for May. I find that the landlord is entitled to loss of rental revenue for the month of June as the tenants moved out on June 10, leaving behind their belongings which now must be disposed of as required by Residential Tenancy Regulation, Part 5.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

### Conclusion

I find that the landlord has established a monetary claim, in the amount of \$1,610.00, which is comprised of \$1,560.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$1,610.00. In the event that the tenants do not comply with this Order, it may be served on the tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated June 19, 2009.

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Dispute Resolution Officer