

DECISION

Dispute Codes: OPR, MNR, MNSD and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy dated February 1, 2010 and served in person. The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding.

Despite having received the Notice of Hearing served in person on or about February 11, 2010, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

At the commencement of the hearing, the landlord advised that the tenant had vacated on March 1, 2010 and that he no longer needed an Order of Possession.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and loss of rent and the filing fee for this proceeding.

Background and Evidence

This tenancy began on or about November 1, 2009. Rent was \$500 per month, due on the last day of the month, and there was no security deposit.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served when the tenant failed to pay the rent for February 2010. He stated that the tenant had moved out on March 1, 2010 without having given written notice and without providing a forwarding address.

The landlord stated that he did not intend to place a new tenant in the rental unit.

Analysis

Section 26 of the Act provides that a tenant must pay the rent when it is due. In this instance, I accept the evidence of the landlord that the February rent was not paid and the landlord is entitled to a Monetary Order for the \$500.

However, the landlord provided no evidence that he had attempted to find a new tenant in March 2010 in an effort to minimize his losses as required under section 7(2) of the Act. In addition, the landlord stated that he did not intend to start a new tenancy.

Therefore, the landlord's claim for loss of rent for March is dismissed.

I find that the landlord may recover the \$50 filing fee for this proceeding from the tenant.

Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order for \$550, for \$500 rent and \$50 filing fee, enforceable through the Provincial Court of British Columbia, for service on the tenant.

March 24, 2010