



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application for an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for outstanding rent and recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by personal service on January 29, 2014 however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and therefore the hearing proceeded in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant had requested an Order of Possession, however at the beginning of the hearing the applicant stated that the respondent has vacated and they now have possession of the rental unit. Therefore in Order of Possession is no longer required.

The remaining issue therefore is whether or not the applicant has established a claim for a Monetary Order for outstanding rent.

Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2012 with a monthly rent of \$1250.00.
- The tenant failed to pay the January 2014 rent, and therefore on January 10, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice and therefore on January 25, 2014 she applied for dispute resolution.
- The tenant subsequently vacated the rental unit on March 6, 2014; however the tenant paid no further rent.
- She is therefore requesting a Monetary Order as follows:

January 2014 rent outstanding	\$1250.00
February 2014 rent outstanding	\$1250.00
March 2014 rent outstanding	\$1250.00
Filing fee	\$50.00
Total	\$3800.00

Analysis

It is my finding that the applicant has shown that the tenant lived in the rental unit until October 6, 2014.

It is also my finding that the tenant failed to pay any rent for the months of January 2014, February 2014, and March 2014.

As we are now well into March 2014, I find it unlikely that the unit will be re-rented before the end of March 2014 and I therefore allow the landlords request for outstanding rent to the end of March 2014.

I also allow the request for recovery of the filing fee.

Conclusion

I have issued a Monetary Order for the respondent to pay \$3800.00 to the applicant.

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: March 12, 2014

Residential Tenancy Branch

