Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding P and E Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes   OPR, MNR, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application.

An agent for the landlord company attended the hearing, provided evidentiary material in advance of the hearing, and gave affirmed testimony. However, despite being served with the Landlord Application for Dispute Resolution, evidentiary material and notice of hearing documents on June 4, 2014 by registered mail, no one for the tenant attended. The landlord's agent testified that the tenant was served on that date and in that manner and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act.*

All evidence and testimony provided has been reviewed and is considered in this Decision.

During the course of the hearing the landlord withdrew the application for an Order of Possession.

Issue(s) to be Decided

- Has the landlord established a monetary claim as against the tenant for unpaid rent?

Background and Evidence

The landlord's agent testified that this month-to-month tenancy began on March 24, 2009. Rent in the amount of $500.00 was payable in advance on the last day of each month for the following month. A copy of the tenancy agreement has been provided. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of $200.00 which is still held in trust by the landlord.

The landlord's agent further testified that the tenant failed to pay rent when it was due for the month of May, 2014 and the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on May 11, 2014 by posting it to the door of the rental unit. A copy of the first page of the 2-page notice has been provided and it is dated May 11, 2014 and contains an expected date of vacancy of May 21, 2014 for unpaid rent in the amount of $500.00 that was due on May 1, 2014.

The landlord has not received any rent since the issuance of the notice, and the landlord applied for dispute resolution on June 1, 2014. The tenant did not pay any rent for the month of June or July, and the landlord's agent found the rental unit abandoned on or about July 4, 2014. The landlord claims a monetary order for rent for May and June, 2014 in the amount of $1,000.00 and recovery of the $50.00 filing fee. The tenant has not provided the landlord with a forwarding address.

Analysis

I have reviewed the tenancy agreement and documentary evidence provided by the landlord and I accept the testimony of the landlord's agent. I find that the parties entered into a tenancy agreement for rent in the amount of $500.00 per month. I accept that the tenant was served with a notice to end tenancy for unpaid rent for May and then abandoned the rental unit during the first week of July, 2014 without paying any rent for May or June.

I find that the landlord has established a monetary claim as against the tenant for unpaid rent in the amount of $1,000.00.

Since the landlord has been successful with the application, the landlord is also entitled to recovery of the $50.00 filing fee.

Conclusion

For the reasons set out above, the landlord's application for an Order of Possession is hereby dismissed as withdrawn.

I hereby grant a monetary order in favour of the landlord as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of $1,050.00.

This order is final and binding and may be enforced.

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: July 25, 2014

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Residential Tenancy Branch