



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with the landlord's application for an Order of Possession and a monetary claim related to non-payment of rent. Although the tenant was served with notice of this hearing and application by registered mail he did not appear. I proceeded with the hearing in the tenant's absence.

The landlord confirmed at the start of the hearing that the tenant vacated the rental unit effective November 26, 2008 and an Order of Possession was no longer necessary. The landlord also provided evidence of the move out condition inspection report where the tenant agreed to the condition of the rental unit and provided written consent that the landlord could apply the tenant's security deposit and pet deposit against the cleaning costs and any remaining outstanding rent owed.

Issue to be Determined:

Is the landlord entitled to a monetary Order for the remaining outstanding rent?

Background and Evidence:

This tenancy began on April 1, 2008 for the monthly rent of \$985.00. The tenancy was for a fixed term ending on December 31, 2008. On November 7, 2008 the tenant was served with a ten day Notice to End Tenancy due to non-payment of rent. The tenant did not pay the outstanding rent or file an application to dispute the notice within 5 days of receiving the notice. The tenant vacated the rental unit effective November 26, 2008.

The landlord is seeking a monetary Order for the remaining rental arrears. The landlord submits that the tenants still owes \$985.00 for November 2008 rent, a late fee charge of \$25.00, a NSF fee of \$25.00 and outstanding rent of \$632.97 for December 2008. The landlord has determined these sums after deducting the tenant's security and pet deposits plus interest from the cleaning charges of \$618.00 and the remaining portion applied to the rent owed for December 2008.

Analysis:

I grant the landlord's application. I find that the tenant breached the tenancy agreement by failing to pay the rent and has breached the fixed term tenancy. I find that the tenant is responsible for the outstanding rent for November 2008 and the lost rental income for December 2008.

I accept that the tenant consented to having his pet and security deposits applied to the cleaning costs and the remaining balance against the outstanding rent. I accept the landlord's request for payment of a \$25.00 charge for the NSF cheque the tenant gave for November 2008 but deny the landlord the request for a \$25.00 late payment charge.

I grant the landlord a monetary Order for the sum of **\$1,692.97** comprises of the outstanding rent of \$985.00 for November 2008, a NSF charge of \$25.00 for November 2008, lost rental income of \$632.97 for December 2008 plus recovery of the \$50.00 filling fee paid by the landlord for this application. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

The landlord's application has been granted and I have issued the landlord a monetary Order for the sum of \$1,692.97.

Dated December 11, 2008.

Dispute Resolution Officer