



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with an application by the landlord 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 when it was posted to the door of the rental unit on January 20, 2009, the tenant did not attend. I deem the tenant to have been served with notice of this hearing on the third day after it was posted pursuant to section 90 of the *Act*. I proceeded with the hearing in the tenant's absence.

Issues to be Determined:

Is the landlord entitled to an Order of Possession? Is the landlord entitled to a monetary claim related to non-payment of rent by the tenant?

Background and Evidence:

In the absence of any evidence from the tenant I accept the landlord's evidence that this tenancy began on April 1, 2008 for the monthly rent of \$1,225.00 and a security deposit of \$600.00.

I accept that the tenant failed to pay the rent for January 2009 and was served with a 10 day Notice to End Tenancy due to non-payment of rent. I also accept that the tenant failed to pay the outstanding rent or file an application to dispute the notice within fives after receiving the notice.

I accept the landlord's evidence that the tenant abandoned the rental unit sometime after January 20, 2009 and as a result the landlord has suffered a further financial loss of \$1,225.00 for February 2009.

Analysis:

I find that the landlord no longer requires an Order of Possession as the tenant has vacated the rental unit. I find that the landlord has established a total monetary claim for the sum of \$2,500.00 comprised of two month's lost rent plus the recovery of the \$50.00 filling fee paid for this application.

From this sum I Order that the landlord may retain the tenant's security deposit plus interest of \$607.52 in partial satisfaction of this claim. I grant the landlord a monetary Order for the remaining balance owed of **\$1,892.48**. This Order may be filed with the

Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I grant the landlord's application and have awarded a monetary Order due to non-payment of rent by the tenant.

Dated February 27, 2009.

Dispute Resolution Officer