



# 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 seeking an Order of Possession and a monetary claim related to non-payment of rent by the tenant. The landlord also seeks to retain the tenant's security deposit plus interest in partial satisfaction of this claim. Although the tenant was served with notice of this hearing in person on January 2, 2009, she did not appear for the hearing.

### Issues to be Determined:

Is the landlord entitled to an Order of Possession due to non-payment of rent? Is the landlord entitled to compensation due to non-payment of rent by the tenant?

### Background and Evidence:

The tenancy began on April 1, 2008 for the monthly rent of \$750.00 and a security deposit of \$375.00 paid on March 20, 2008. The tenant failed to pay her full rent for October 2008 and then has failed to pay any rent for the months of November 2008, December 2008 and January 2009 for the sum of \$2,500.00.

The landlord served the tenant with a 10 day Notice to End Tenancy for non-payment of rent on December 9, 2008. The landlord stated in the hearing that the tenant vacated the rental unit in approximately January 6<sup>th</sup> or 7<sup>th</sup>, 2009 after being served with notice of this hearing.

### Analysis and Reasons:

I accept the evidence of the landlord that the tenant has failed to pay her rent in breach of the tenancy agreement and the *Act*. I accept that the tenant was served with a 10 day Notice to End Tenancy and that the tenant failed to pay the rent or dispute the notice. As the tenant has vacated the rental unit the landlord does not require an Order of Possession.

I accept the evidence of the landlord that the tenant has failed to pay rent for the sum of \$2,550.00 comprised of the following: \$250.00 for October 2008, \$750.00 for November 2008, \$750.00 for December 2008, \$750.00 for January 2009 plus the recovery of the \$50.00 filling fee paid by the landlord for this application. From this sum owed I Order that the landlord may retain the tenant's security deposit plus interest of \$379.41 in partial satisfaction of this claim. I grant the landlord a monetary Order for the remaining balance owed of **\$2,170.59**. 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 is granted. I have issued the landlord a monetary Order for the sum of **\$2,170.59** due to the tenant's failure to pay rent.

Dated February 02, 2009.

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Dispute Resolution Officer