



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR

OPR

MNSD

FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated February 3, 2009, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on February 17, 2009, the tenant did not appear.

Issue(s) to be Decided

The application indicated that the landlord was seeking an Order of Possession. The landlord was also seeking a monetary order claiming unpaid rent of \$450 each for the months of January 2009, February 2009, March 2009, and accrued rental arrears of \$440.00.

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed and loss of rent

Whether or not the landlord is entitled to late fees of \$\$\$ per month

Background and Evidence

The landlord advised that the tenant vacated the unit on March 5, 2009 and that the request for an Order of Possession was being withdrawn. Submitted into evidence was, proof of service tracking number, a copy of the 10-Day Notice to End Tenancy dated February 3, 2009 with effective date of February 13, 2009, a copy of the resident ledger, a copy of the tenancy agreement and a copy of a previous 10-Day Notice dated December 1, 2008. The landlord testified that the tenancy began as a fixed term on February 7, 2008 with rent set at \$450.00 including utilities and at which time the tenant paid a security deposit of \$225.00. The landlord testified that the tenant fell into arrears in October 2008 and then only paid partial rent for December and no rent for January, February or March 2009.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent and did not pay or apply to dispute the Notice. I find that the landlord has established a total monetary claim of \$2,040.00 comprised of \$440.00 accrued rental arrears to December 2008, \$450.00 owed for the month of January 2009, \$450.00 owed for the month of February 2009, \$450.00 owed for the month of March 2009 the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$253.37 in partial satisfaction of the claim leaving a balance due of \$1,786.63.

Conclusion

I hereby grant the Landlord an order under section 67 for \$1,786.63. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

March 2009

Date of Decision

Dispute Resolution Officer