



## **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 March 7, 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 March 20, 2009, the tenant did not appear.

#### **Issue(s) to be Decided**

The landlord is no longer seeking an Order of Possession as the tenant vacated the unit at the beginning of April 2009, although the unit was not inhabitable for a period of time while the clean-up was being done. The landlord still seeks a monetary order claiming unpaid rent of \$650.00 for the month of January 2009, \$1,000.00 rental arrears for the month of February 2009, \$1,000.00 arrears in rent for March 2009 and \$1,000.00 rent loss for April 2009.

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation for rental arrears owed.

### **Background and Evidence**

The landlord testified that the tenancy began on May 1, 2007, at which time the tenant paid a security deposit of \$500.00. The landlord testified that when the tenant failed to pay rent for part of January, February and March, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served by posting it on the door on March 7, 2009. The landlord submitted into evidence the 10-Day Notice to End Tenancy of March 7, 2009 with effective date of March 17, 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 by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice. I find as a fact that the tenancy has now ended and the tenant has vacated the unit.

I find that the landlord has established a total monetary claim of \$3,700.00 comprised rent of \$650.00 for the month of January 2009 and \$1,000.00 arrears for the month of February 2009, \$1,000.00 arrears for the month of March 2009, \$1,000.00 rent for April 2009 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$512.61 in partial satisfaction of the claim leaving a balance due of \$3,187.39.

### **Conclusion**

I hereby grant the Landlord an order under section 67 for \$3,187.39. 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.

May 2009\_

Date of Decision

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Dispute Resolution Officer