



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

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 25, 2010, 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 April 12, 2010, the tenant did not appear.

At the outset of the hearing the landlord advised that the tenant had vacated the unit and that an Order of Possession was no longer required.

Issue(s) to be Decided

The landlord is seeking an Order of Possession and a monetary order claiming unpaid rent of \$700.00 each month for February 2010 and March 2010, April 2010 and May 2010 plus the filing fee. The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to monetary compensation for rental arrears owed or loss of rent totaling \$2,800.00.

Background and Evidence

The landlord submitted into evidence a copies of a 10-Day Notice to End Tenancy dated March 25, 2010 with effective dates of April 9, 2010 and copies of the

landlord's bank records. Other evidence was received but as it was not served on the tenant could not be considered.

The landlord testified that the tenancy began on December 1, 2009, and the tenant paid a security deposit of \$350.00. The landlord stated that the tenant failed to pay for \$700.00 rent owed for February, March and April 2010 and left the unit in a deplorable state resulting in a \$700.00 rent loss for the month of May 2010 as well. The landlord stated that other damages were not being claimed at this time as the landlord is in the process of repairing the damage to the unit for re-rental and will submit a claim for cleaning, repairs and other damages at a later date.

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 registered mail and the tenant has not paid the outstanding rent, nor did the tenant apply to dispute the Notice.

I find that the landlord is entitled to receive of \$2,850.00 comprised of \$2,100.00 rental arrears for February, March and April 2010, \$700.00 rent loss for the month of May 2010 and the \$50.00 cost of the application.

Conclusion

I find that the landlord has established a total monetary claim of \$2,850.00 and I order that the landlord retain the security deposit of \$350.00 in partial satisfaction of the claim leaving a balance due of \$2,500.00. 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 2010

Date of Decision

Dispute Resolution Officer