



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development



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Decision

Dispute Codes:

OPR, MNR, 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 August 19, 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 in person on August 26, 2010, the tenant did not appear.

Issue(s) to be Decided

The landlord stated that an Order of Possession is no longer being sought as the tenant vacated the unit on August 31, 2010. The landlord still seeks a monetary order claiming unpaid rent of \$2,500.00 per month for several months resulting in accumulated arrears of \$18,000.00 plus utilities of \$153.29.

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 in October 2006, at which time the tenant paid a security deposit of \$1,250.00. The landlord testified that the tenant had a serious financial setback that resulted in the tenant being unable to pay any rent from August 2009 until February 2010 and the arrears totaled \$17,500.00. According to the landlord the tenant then began to pay rent each month and also managed to pay \$750.00

towards the debt reducing it to \$16,750.00. However, in August 2010, the tenant only paid half of August rent for an additional \$1,250.00 in arrears making the total amount owed for rent \$18,000.00. The landlord testified that the tenant also owes \$153.23 for utilities due to a returned cheque the tenant used to pay for utilities .

The landlord submitted a copy of the 10-Day Notice to End Tenancy, a copy of the tenancy agreement, copies of communications and financial ledgers and written statements giving details of the tenancy and the accumulated debt.

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 that the landlord has established a total monetary claim of \$18,253.23 comprised of \$18,000.00 for rental arrears, \$153.23 for utilities and the \$100.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$1,289.44. in partial satisfaction of the claim leaving a balance due of \$16,963.70.

Conclusion

I hereby grant the Landlord an order under section 67 for \$16,963.70. 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.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 2010.

Dispute Resolution Officer