



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, CNC, CNR, LRE

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenants sought to cancel two notices to end tenancy and to restrict the landlord's access to the rental unit.

The hearing was conducted via teleconference and was attended by the landlord and her agent. The tenants did not attend.

The landlord testified that the tenants have vacated the rental unit as a result of a dispute resolution decision dated November 22, 2010; as such the landlord no longer requires an order of possession. I amend the landlord's application to exclude the matter of possession.

As the tenants had filed their own Application for Dispute Resolution against the landlord for this hearing, I am satisfied the tenants were sufficiently aware of this hearing to attend.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent, pursuant to Sections 46, 47, 55, 67, and 72 of the *Residential Tenancy Act* (Act).

Background and Evidence

The tenancy began on September 1, 2010 as a month to month tenancy for a monthly rent of \$675.00 due on the 1st of the month with a security deposit of \$350 paid. In the previous Dispute Resolution decision of November 22, 2010, the landlord was granted to retain \$50.00 from the security deposit leaving a balance of \$300.00 in the security deposit.

The tenancy ended in conjunction with the November 22, 2010 decision that issued an order of possession to be effective 2 days after service of the order on the tenants.

The landlord submits that the tenants paid rent of \$375.00 on November 1, 2010 and a 10 Day Notice to End Tenancy for Unpaid rent was issued to the tenants on November

2, 2010 resulting from \$300.00 outstanding rent. The landlord confirmed the tenants never paid this amount.

Analysis

In the absence of any contrary evidence or testimony, I accept the tenant's failed to pay the full rent for the month of November.

Conclusion

As to the tenant's application, as the tenancy has ended and in the tenant's absence from this hearing, I dismiss the tenant's application in its entirety.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$300.00** comprised of rent owed.

In accordance with section 72(2)(b), I order the landlord may deduct the security deposit and interest held in the amount of \$300.00 in satisfaction of this claim.

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: December 02, 2010.

Dispute Resolution Officer