

## **DECISION**

Dispute Codes      MNR, OPR

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and an order of possession for unpaid rent. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing documents. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issues to be Decided

Is the landlord entitled to any of the above under the Act.

### Summary of Background and Evidence

This fixed term tenancy started in April, 2010 with rent of \$1250.00, the tenant paid a security deposit of \$625.00. On December 9, 2010 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord stated that the tenant did not pay any of the rent owed prior to vacating the rental unit and that the tenant did not allow the landlord access to the suite for prospective renters and the suite remains empty. The landlord is requesting a monetary order for unpaid rent for the months of October, November, December 2010 and January 2011 for a total of \$5000.00 in unpaid rent.

The landlord testified that the tenant has since move out and that the landlord no longer requires an order of possession and this portion of the landlord's application is dismissed.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for a monetary order for unpaid rent.

As for the monetary order, I find that the landlord has established a claim for \$5000.00 in unpaid rent.

### Conclusion

I find that the landlord has established a monetary claim for \$5000.00 in unpaid rent. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$625.00 security deposit in partial satisfaction of the claim and I grant the landlord an monetary order under section 67 for the balance due of **\$4375.00** (\$5000.00-\$625.00=\$4375.00)

A monetary order in the amount of **\$4375.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: January 10, 2011

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Dispute Resolution Officer