



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MND, MNR, MNSD, FF

Introduction

This was the hearing of an application by the landlord for a monetary order an order for possession and an order allowing the landlord to retain the security deposit. The hearing was conducted by conference call. The landlord called in and participated in the hearing. the tenant did not attend although he was personally served with the application for dispute resolution and Notice of Hearing by the landlord on January 20, 2011. The landlord testified that the tenant moved out of the rental unit after he was served with the application and Notice of Hearing and an order for possession is therefore no longer required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and if so, in what amount?

Background and Evidence

The tenancy began on July 15, 2010 on a month to month basis with rent in the amount of \$1,200.00 due on the first of each month. the tenant paid a \$600.00 security deposit on July 16, 2010.

The tenant did not pay rent for the month of January, 2011. The landlord served the tenant with a 10 day Notice to End Tenancy. on January 10, 2011. The tenant did not apply to dispute the Notice and he did not pay the rent within five days of receiving the Notice to End Tenancy.

The landlord testified that the tenant vacated the rental property on Or about Januar6 21, 2011. He said that the tenant caused significant damage to the rental property and he acknowledged on a condition inspection form that he was responsible for the damage. The landlord has not yet repaired all the damage and has not ascertained the total cost to repair the damage.

Analysis and Conclusion

The tenant has moved out of the rental unit; the landlord has possession of the unit and an order for possession is not required. The claim for an order for possession is therefore dismissed. The tenant failed to pay rent for January. The landlord is entitled to an award for January's rent and for the filing fee for this application in the total amount of \$1,250.00. I order that the landlord retain the security deposit and interest of \$600.00 in partial satisfaction of the award and I grant the landlord an order under section 67 for the balance of \$650.00. This order may be registered in the Small Claims court and enforced as an order of that court.

The landlord has leave to reapply for damages for the cost to clean and repair the rental unit and for loss of revenue if incurred.

Dated: February 04, 2011.
