



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / loss of revenue - Section 67;
3. An Order to retain the security / pet deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions. At the onset of the hearing, the Landlord stated that an order of possession and an order to retain the security deposit were no longer necessary as the Tenant had moved out of the unit and the Landlord has returned the security deposit to the Tenant.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 12, 2010. Rent in the amount of \$900.00 was payable in advance on the first day of each month. At the outset of the tenancy, the Landlord

collected a security deposit from the Tenant in the amount of \$450.00. The Tenant failed to pay rent for the month of February, March and April 2011 and has arrears of \$100.00 from January rent. On February 22, 2011 the Landlord personally served the Tenant with a notice to end tenancy for non-payment of rent. The Tenant did not file an Application for Dispute Resolution and moved out on April 22, 2011. The Landlord returned the security deposit to the Tenant. The quantum of the Landlord's monetary claim is **\$2,800.00**.

Analysis

Based on the Landlord's testimony I find that the Tenant had January 2011 rental arrears of \$100.00 and failed to pay rent for February, March and April 2011. Given these facts, I find that the Landlord has established a monetary claim for **\$2,800.00** in unpaid rent. The Landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$2,850.00**.

Conclusion

I grant the Landlord an Order under Section 67 of the Act for the amount of **\$2,850.00**. If necessary, this order may be filed in the Small Claims Court 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: April 29, 2011.

Residential Tenancy Branch