



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNDC, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession for unpaid rent, and monetary orders for unpaid rent, for damages to the unit, for compensation under the Act or tenancy agreement, to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on March 17, 2011, and deemed under the Act to be served five days later, the Tenants did not appear. I find the Tenants have been duly served in accordance with the Act.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

### Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenants were served with a Notice to End Tenancy for non-payment of rent.

The Tenants have not paid all the outstanding rent, although they did apply to dispute the Notice.

The Tenants did not appear at the hearing for their Application to dispute the Notice, and the Landlord received an order of possession based on his oral request, pursuant to section 55 of the Act.

The Tenants vacated the rental unit at the end of March 2011.

The Landlord testified that the Tenants paid \$400.00 toward the rent due of \$1,900.00, and therefore they still owe \$1,500.00 for March rent.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Although the Landlord is entitled to an order of possession in these circumstances, the Tenants have vacated the rental unit and therefore, an order of possession is no longer required.

I find that the Tenants have failed to pay rent when due, and therefore, have breached the Act and tenancy agreement.

I find the Landlord has established a total monetary claim of **\$1,550.00** comprised of the balance of rent owed for March 2011, and the \$50.00 fee paid by the Landlord for this application.

I order that the Landlord may retain the deposit of **\$950.00** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$600.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The Landlord has leave to apply for further monetary orders for damages and cleaning of the rental unit.

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 07, 2011.

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Residential Tenancy Branch