



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **Decision**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated February 10, 2011.

At the outset of the hearing, the landlord advised that the tenant vacated on March 24, 2010. Therefore the request for an Order of Possession is now moot.

Although served with the Application for Dispute Resolution and Notice of Hearing in person, the tenant did not appear.

### **Issue(s) to be Decided**

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation for rental arrears owed.

### **Background and Evidence**

The landlord testified that the tenancy began on December 16, 2010 with rent at \$850.00 and security deposit of \$425.00. The landlord testified that the tenant fell into arrears and was issued a Notice to End Tenancy.

The landlord submitted a copy of the Ten Day Notice to End Tenancy for Unpaid Rent, and a copy of the tenancy agreement and proof of service into evidence.

The landlord testified that the tenant failed to pay rent for February 2011 and a Ten Day Notice to End Tenancy for Unpaid Rent was issued. The tenant eventually paid \$400.00 but still owed the remainder of rent for February and did not pay the rent owed for the month of March 2011. The landlord was seeking a monetary order for accrued rental arrears in the amount of \$1,250.00 plus the \$50.00 cost of filing.

**Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. I find that the tenant has not paid the outstanding rent for February and March 2011, nor did the tenant apply to dispute the Notice.

Given the above, I find that the landlord is entitled to a monetary award of \$1,300.00 comprised of rental arrears of \$1,250.00 and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim leaving a balance due of \$875.00.

**Conclusion**

I hereby grant the Landlord an order under section 67 for \$875.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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 0, 2011.

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Residential Tenancy Branch