



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNCD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee.

The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail however in late July 2011 the tenant was discovered to have passed away in his rental unit.

Issue(s) to be Decided

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

Background and Evidence

This tenancy began October 1, 2009 and the tenant pays current rent of \$1000.00, the tenant paid a security deposit of \$485.00. On July 3, 2011 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid Rent. The tenant did not file to dispute this notice.

The landlord testified that the tenant owes a balance of \$268.00 for the June 2011 rent and had not paid any of the \$1000.00 July 2011 rent. The landlord stated that the tenant has also not paid the \$1000.00 August 2011 rent.

The landlord in this application is seeking \$2268.00 compensation for unpaid rent and an order of possession for the rental unit.

The landlord stated that the tenant's family would be meeting with the landlord in the next few days and that landlord would pursue information regarding the tenant's estate at that time.

Analysis

Based on the circumstances that the tenant is now deceased, I find that the landlord is not entitled to an order of possession for unpaid rent or a monetary order for unpaid rent.

The landlord's application is hereby dismissed with leave to reapply.

As the landlord has not been successful in their application the landlord is not entitled to recovery of the \$50.00 filing fee.

Conclusion

The landlord's application is dismissed with leave to reapply.

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: August 24, 2011.

Residential Tenancy Branch