

DECISION

Dispute Codes OPC, MNR, MNSD, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 1 month notice to end tenancy for cause, a monetary order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on March 16, 2012 and has submitted a copy of the Customer Receipt as evidence. As such, I find that the Tenant has been properly served with the notice of hearing and evidence under the Act.

At the beginning of the hearing the Landlord clarified that the Tenant vacated the rental unit at the end of March 2012 and that an order of possession is no longer required.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to keep all or part of the security deposit?

Background, Evidence and Analysis

This Tenancy began on January 1, 2012 on a fixed term tenancy until December 31, 2013 as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$2,400.00 payable on the 1st of each month and a security deposit of \$1,200.00 was paid.

The Landlord has filed claim for \$4,800.00, but the Landlord states that the Tenant has not paid rent totalling \$3,600.00. The Landlord has not provided any evidence of unpaid rent. The Landlord also claims that damage occurred at the rental property of a broken fence and did not clean the yard of garbage. The Landlord has not provided any details of the remaining amount of the monetary claim.

I find that as the Landlord has failed to provide any evidence of unpaid rent or damage that the Landlord has failed to establish their claim. The Landlord's application is dismissed without leave to reapply.

Conclusion

The Landlord's application is dismissed without 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: April 04, 2012.

Residential Tenancy Branch