



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, OPR, MNSD, MND, MNDC, CNR, ERP, OPT, RR, FF*

Introduction

This hearing dealt with applications by both the Landlord and the tenant pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and a monetary order for unpaid rent, and the filing fee. The landlord also applied for the cost of repairs and cleaning and to retain the security deposit in partial satisfaction of his claim.

The tenant applied to cancel the notice to end tenancy, to order the landlord to comply with the *Act*, make emergency repairs, provide services and reduce the rent.

The landlord served the tenant with the notice of hearing on March 23, 2012 in person. Despite having received the notice of hearing and having applied for dispute resolution, the tenant did not attend the hearing. Therefore the tenant's application is dismissed without leave to reapply. This hearing only dealt with the landlord's application. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord stated that the tenant had moved out at the end of March. Since the tenancy has ended, the landlord's application for an order of possession is no longer necessary. The landlord also testified that the rental unit was left in a condition that requires repairs and cleaning. At the time of this hearing, restoration work was in progress. The landlord stated that he was already advertising the availability of the rental unit.

At the landlord's request, the portion of his application dealing with his monetary claim for repairs and cleaning, and to retain the security deposit is dismissed with leave to reapply. Therefore, this hearing only dealt with the landlord's application for a monetary order for unpaid rent.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on November 01, 2011 for a fixed term of one year. The monthly rent is \$1,650.00 payable on the first of each month. Prior to moving in, the tenant paid a security deposit of 825.00.

The tenant paid partial rent for February and failed to pay rent for March. On March 09, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. On March 20, 2012, the tenant filed an application to dispute the notice. The tenant did not pay the outstanding rent and moved out at the end of March leaving the rental unit in a condition that required cleaning and repairs, prior to a new tenant moving in.

At the time of the hearing, April 11, 2012, the cleaning and repairs were in progress. The landlord stated that he had started advertising the availability of the rental unit. The landlord is claiming outstanding rent in the amount of \$650.00 for February, \$1,650.00 for March and \$1,650.00 for April for a total of \$3,950.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the tenant owes rent in the total amount of \$3,950.00. Since the landlord has proven his case, he is also entitled to the filing fee of \$50.00.

Overall the landlord has established a claim of \$4,000.00 and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$4,000.00**. The balance of the landlord's application is dismissed with leave to reapply.

The tenant's application is dismissed in its entirety.

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 11, 2012.

Residential Tenancy Branch