



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on April 23, 2012.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on February 1, 2012. The rent is \$799.00 due in advance on the first day of each month. The tenant paid a security deposit of \$399.50 at the start of the tenancy. The tenant did not pay rent for April when it was due. On April 2, 2012 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenant did not pay the rent for May and in May he informed the landlord by voicemail message that he was moving out of the rental unit. The tenant did move out on or about May 8, 2012.

Analysis

The tenant has vacated the rental unit and an order for possession is no longer required. The landlord's application for an order for possession is therefore dismissed.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$1,598.00 for the outstanding rent for April and May. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,648.00. I order that the landlord retain the deposit and interest of \$399.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of

\$1,248.50. This order may be filed in the Small Claims Court 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: May 10, 2012.

Residential Tenancy Branch