



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in place for this month-to-month tenancy which began on March 1, 2012. Monthly rent of \$600.00 was due and payable on the first day of each month, and a security deposit of \$300.00 was collected. The parties agree that rent was paid in full for March 2012, however, arising from the absence of any payment of rent for April 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated April 15, 2012. A copy of the notice is not in evidence, but the tenant does not dispute that she received the notice, and she also testified that she subsequently made no further payment toward rent before vacating the unit on May 1, 2012. Neither a move-in nor a move-out condition inspection report was completed.

Analysis

As the tenant has vacated the unit, I consider the landlord's application for an order of possession to be withdrawn.

Based on the testimony of the parties I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated April 15, 2012, that the tenant failed to pay any rent whatsoever for the month of April 2012, and that the tenant vacated the unit on May 1, 2012. Accordingly, I find that the landlord has established entitlement to a claim in the amount of \$650.00, which is comprised of \$600.00 in unpaid rent for April 2012, in

addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$300.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$350.00 (\$650.00 - \$300.00).

In the absence of a move-in or move-out condition inspection report, or any other related documentary evidence, the landlord's non-specific claim for compensation related to cleaning and repairs is hereby dismissed.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$350.00**. Should it be necessary, this order may be served on the tenant, 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 16, 2012.

Residential Tenancy Branch