



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR; MNR; MNSD; FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent ; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on April 23, 2012. The Landlord provided the receipt and tracking numbers in evidence.

Based on the Landlord's documentary evidence and affirmed, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

### **Issues to be Decided**

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

### **Background and Evidence**

The Landlord gave the following testimony:

The Tenant moved out of the rental unit on May 3, 2012, and the Landlord has taken back possession of the rental unit.

There was no written tenancy agreement. Monthly rent was \$1,350.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$675.00 in February, 2012.

The Tenant did not pay rent for the month of April, 2012, and the Landlord seeks a monetary award for unpaid rent in the amount of \$1,350.00.

### **Analysis**

The Landlord's application for an Order of Possession is dismissed, as the Tenant has moved out and the Landlord has already taken back possession of the rental unit.

Based on the undisputed testimony of the Landlord, I find that she has established a monetary award for unpaid rent for the month of April, 2012.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the her monetary ward. No interest has accrued on the security deposit.

The Landlord has been successful in her application for a monetary award and I find that she is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlord a Monetary Order, calculated as follows:

Unpaid rent	\$1,350.00
Subtotal	\$1,400.00
Less security deposit	- \$675.00
<b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b>	<b>\$725.00</b>

### **Conclusion**

I hereby provide the Landlord a Monetary Order in the amount of **\$725.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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 14, 2012.

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Residential Tenancy Branch