



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

MNR, OPR, FF, MNDC, CNR

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order based on two Notices to End Tenancy for Unpaid Rent. The landlord's application was seeking an Order of Possession and a monetary order.

The hearing was also convened to deal with an application by the tenant seeking to dispute an additional rent increase, an order cancelling the Ten Day Notice to End Tenancy for Unpaid Rent, monetary compensation and a rent reduction for repairs, services and facilities not provided.

The landlord was in attendance. Although served with the Application for Dispute Resolution and Notice of Hearing in person, nobody for the tenant appeared.

As the tenant did not appear to present evidence, the tenant's application was dismissed without leave to reapply.

At the outset of the hearing, the landlord stated that the tenant vacated the rental unit on August 31, 2012. Therefore, no order of possession was necessary.

### **Issue(s) to be Decided**

Is the landlord is entitled to monetary compensation for rental arrears owed or loss of rent?

### **Background and Evidence**

Submitted into evidence were copies of the Notices to End Tenancy. One of the Notices in evidence was dated August 7, 2012 and purported to be effective August 7, 2012. The second Notice was altered to be a "30" Day Notice for Unpaid Rent and was dated August 15, 2012 purporting to be effective September 14, 2012. No copy of the tenancy agreement was in evidence.

The landlord testified that the tenancy began on July 1, 2012, rent was \$700.00 per month and the tenant did not pay a security deposit. The landlord testified that the tenant failed to pay \$700.00 rent owed for the month of August 2012 and was issued with a Ten Day Notice to End Tenancy for Unpaid Rent on August 7, 2012 showing that \$900.00 was owed and another Notice purporting to be a "30-Day" notice on August 15, 2012 also showing that \$900.00 was owed. The landlord testified that the tenant did not dispute the Notice, did not pay the arrears but has vacated the unit. The landlord testified that the application shows \$1,250.00 is being claimed because the tenant failed to pay the security and pet deposits and the landlord added these to the rent owed.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy. I find that the tenant has not paid the outstanding rent for August 2012 before leaving on August 31, 2012. I therefore find that the landlord has established a total monetary claim of \$750.00 comprised of \$700.00 accrued rental arrears for August and the \$50.00 fee paid by the landlord for this application.

### **Conclusion**

I hereby grant the Landlord an order under section 67 for \$750.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The tenant's application is dismissed in its entirety 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: September 11, 2012.

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Residential Tenancy Branch