



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

At the outset of the hearing the parties agreed the tenant had vacated the rental unit and as such there is no longer a need for an order of possession. I amend the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documents into evidence:

- A copy of a tenancy agreement signed by the parties on July 4, 2009 for a month to month tenancy beginning on July 1, 2009 for a monthly rent of \$700.00 due on the 1st of each month with a security deposit of \$350.00 paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on August 21, 2012 with an effective vacancy date of August 22, 2012 due to \$1,400.00 in unpaid rent.

The parties both confirmed and agreed the tenant owes the landlord two months worth of rent in the amount of \$1,400.00.

Analysis

I accept that both parties agree with the amount of the debt owed to the landlord for unpaid rent. The parties agreed with the landlord deducting the amount of the security deposit from the debt.

The landlord did testify the tenant failed to leave the rental unit clean, I advised the landlord she remains at liberty to file an subsequent Application for Dispute Resolution seeking for any damage or cleaning costs.

The tenant also noted that she believes she was harassed during the tenancy and I advised her that she was also at liberty to file an Application for Dispute Resolution seeking any compensation she may feel she is entitled to as a result of harassment.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,450.00** comprised of \$1,400.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$350.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,100.00**.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: October 02, 2012.

Residential Tenancy Branch