



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated October 5, 2012.

At the outset of the hearing, the landlord advised that the tenant vacated on November 26, 2012. Therefore the request for an Order of Possession is now moot.

Although served with the Application for Dispute Resolution and Notice of Hearing in person, the tenant did not appear.

Issue(s) to be Decided

Is the landlord s entitled to monetary compensation for rental arrears owed?

Background and Evidence

The landlord testified that the tenancy began approximately 1 year ago and the current rent is \$1,598.00. A security deposit of \$799.00 was paid. The landlord testified that the tenant fell into arrears for \$1,598.00 for October 2012 and was issued a Notice to End Tenancy. The landlord submitted a copy of the Ten Day Notice to End Tenancy for Unpaid Rent. No copy of the tenancy agreement or tenant ledger had been submitted into evidence.

The landlord testified that the tenant made payments towards the arrears but then failed to pay rent owed for November 2012 and the debt has remained at \$1,598.00.

The landlord was seeking a monetary order for accrued rental arrears in the amount of \$1,598.00 plus the \$50.00 cost of filing.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. I find that the tenant has not paid all of the outstanding rent, nor did the tenant apply to dispute the Notice.

Given the above, I find that the landlord is entitled to a monetary award of \$1,648.00 comprised of rental arrears of \$1,598.00 and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit of \$799.00 in partial satisfaction of the claim leaving a balance due of \$849.00.

I hereby grant the Landlord an order under section 67 for \$849.00. 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.

Conclusion

The landlord was granted a monetary order for rental arrears based on the Ten Day Notice to End Tenancy for Unpaid Rent but there was no need for an Order of Possession as the tenant had vacated prior to the hearing.

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: November 27, 2012.

Residential Tenancy Branch