



Dispute Resolution Services

Page: 1

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 based on a Notice to End Tenancy for Unpaid Rent dated October 9, 2012, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on November 27, 2012, and confirmed by Canada Post tracking records as having been received, the tenant did not appear.

At the outset of the hearing, the landlord stated that the tenant vacated the unit on October 31, 2012. Therefore the request for an Order of Possession is moot. The landlord still seeks a monetary order for the rent owed.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for rental arrears?

Background and Evidence

The landlord testified that the tenancy began in August 2011, at which time the tenant paid a security deposit of \$275.00. The landlord testified that when the tenant failed to pay \$540.00 rent due on September 1, 2012, and \$550.00 due on October 1, 2012, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant by posting it on the door. The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated October 9, 2012 with effective date of November 20, 2012, a copy of the tenancy agreement and proof of service. The landlord is seeking a monetary order for the arrears of \$1,090.00

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$1,140.00 comprised of rent of \$1,090.00 in accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the tenant's security deposit of \$275.00 in partial satisfaction of the claim, leaving a balance due of \$865.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$865.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted a monetary order for rental arrears. The request for the order of possession was found to be moot as the tenant 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: December 12, 2012.

Residential Tenancy Branch