



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. On December 19, 2012 the landlord served the tenant with the application for dispute resolution and notice of hearing by registered mail. The landlord stated that he became aware that the tenant vacated the unit at the start of January 2013.

Section 90 of the Act states that a document is deemed to have been served five days after mailing. I accept the testimony of the landlord that as far as he knew, the tenant was still residing in the rental unit when the landlord sent the notice of hearing. I find that the tenant is deemed served with notice of the hearing on December 24, 2012.

As the tenant has vacated, I dismiss the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on June 1, 2012. Rent in the amount of \$1030, comprised of \$995 for rent and \$25 for parking, was payable in advance on the first day of each month. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$497.50 and a pet deposit of \$497.50. The tenant failed to pay rent in the month of December 2012 and on December 4, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of January 2013 and vacated the rental unit without notice.

Analysis

Based on the landlord's undisputed evidence, I find that the landlord has established a claim for \$2060 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50 filing fee for the cost of the application.

Conclusion

The landlord is entitled to \$2110. I order that the landlord retain the security and pet deposits of \$995 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1115. This order may be filed in the Small Claims Court 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: January 30, 2013

Residential Tenancy Branch

