



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, FF

Introduction

This was the hearing of the landlord's application for an order for possession, for a monetary award and for an order to retain the security deposit. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenants did not attend although they were personally served with the application for dispute resolution and Notice of Hearing on January 9, 2013.

The tenants moved out of the rental unit on January 29th and an order for possession is no longer required.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent and if so, in what amount?
Is the landlord entitled to an order permitting it to retain the security deposit?

Background and Evidence

The rental unit is an apartment in Surrey. The tenancy began on April 1, 2008. The tenant paid a \$379.00 security deposit on April 1, 2008. The current monthly rent is \$789.00, payable on the first of each month.

The landlord served the tenants with a one month Notice to End Tenancy for cause on November 8, 2012 by posting it to the door of the rental unit. The Notice required the tenants to move out of the rental unit by December 31, 2012. The tenants did not dispute the Notice to End Tenancy, but they did not move out of the rental unit until January 29th and they did not pay rent for January. The landlord has not had time to clean and repair the rental unit and to secure a new tenant.

Analysis and conclusion

The tenants occupied the rental unit for the month of January without paying rent. The landlord is entitled to a monetary award of \$789.00 for January rent. The landlord is entitled to recover the \$50.00 filing fee paid for this application for a total award of \$839.00. I order that the landlord retain the security deposit and interest of \$383.27 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$455.73. This order may be registered in the Small Claims Court and enforced as an order of that court.

The landlord has leave to apply for a further monetary order after it has ascertained the costs to clean and repair the rental unit and established the amount of any loss of revenue claim that it may have for February.

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 31, 2013

Residential Tenancy Branch

