



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

OPR, MNR, MNSD, 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 November 2, 2012, a monetary order for rent owed, and loss of revenue 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 December 23, 2012, the tenant did not appear.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant initially vacated the unit on December 23, 2012 but returned again to vandalize the unit in January 2013. The landlord still seeks a monetary order for the rental arrears and loss of revenue.

### **Issue(s) to be Decided**

Is the landlord entitled to monetary compensation for rental arrears and loss of revenue?

### **Background and Evidence**

The landlord testified that the tenancy began in August 2012, at which time the tenant paid a security deposit of \$750.00. The landlord testified that when the tenant failed to pay \$1,200.00 rent of the \$1,500.00 owed on October 1, 2012 and failed to pay \$1,500.00 rent due on November 1, 2012, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and personally served to the tenant on November 2, 2012. The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated November 7, 2012 with effective date of November 12, 2012, proof of service and a letter of authorization for their agent. The landlord testified that the tenant did not pay any of the arrears and also failed to pay rent owed for the month, December 2012 and January 2013. The accrued arrears are \$5,700.00.

### **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 \$5,800.00 comprised of rent of \$1,200.00 for the month of October 2012, \$1,500.00 rent owed for November, 2012, \$1,500.00 rent for the month of December 2012, \$1,500.00 rent for the month of January 2013 and the \$100.00 cost of the application.

I order that the landlord retain the security deposit of \$750.00 in partial satisfaction of the claim leaving a balance due of \$5,050.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$5,050.00. 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: January 24, 2013

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Residential Tenancy Branch

