



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55 is no longer required as the tenant vacated on or about May 9, 2013; and
- c) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Only the landlord attended and gave sworn testimony that the tenant was served personally both with the Notice to end Tenancy dated April 9, 2013 and the Application for Dispute Resolution. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated April 9, 2013 for unpaid rent. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The tenant filed no documents to dispute. The undisputed evidence is that the tenant commenced living in the premises in August 2012, a security deposit of \$445 was paid and rent is currently \$890 a month. It is undisputed that the tenant did not pay rent for April and vacated the unit on or about May 9, 2013. The landlord claims \$890 for April rent arrears.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord no longer requires an Order of Possession.

Monetary Order

I find that there are rental arrears in the amount of \$890 representing rental arrears for April 2013. Although the tenant occupied the unit until May 9, 2013, the landlord claimed only \$890 on the Application and I find she is limited to an award for this amount on the principle of natural justice that a person must have notice of amounts claimed against them and have an opportunity to respond. I give the landlord leave to reapply for further amounts owed by the tenant such as rent for part of May, utilities and any damages.

Security Deposit:

The landlord did not ask to retain the security deposit to offset the amount owing. The parties are advised to read section 38 of the Act and fulfill their obligations under it as the landlord has only 15 days from the later of the tenant vacating and receiving the forwarding address in writing to either refund the deposit or file an application to claim against it. Otherwise the tenant may claim twice the deposit back.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application. I give the landlord leave to reapply for further amounts owed by the tenant such as May rent, utilities or compensation for damages caused by the tenant.

Calculation of Monetary Award:

Rent arrears for April 2013	890.00
Filing fee	50.00
Monetary Order to Landlord	940.00

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: May 24, 2013

Residential Tenancy Branch