



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

OPR, MNR, MNDC, 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 April 7, 2013, and a monetary order for rent owed.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant vacated the unit on May 23, 2013 without paying the arrears. 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 on July 26, 2012, at which time the tenant paid a security deposit of \$475.00. The landlord testified that the tenant failed to pay \$200.00 rent owed on February 26, 2013 and \$950.00 due on March 26, 2013 so he served the tenant with a 10-Day Notice to End Tenancy for Unpaid Rent showing arrears of \$1,150.00 as of April 7, 2013. The landlord testified that this was served to the tenant by posting it on the door on April 7, 2013. The landlord testified that the tenant did not pay the arrears and did not dispute the Notice.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy ending the tenancy effective April 20, 2013, a copy of the tenancy agreement and other

documents. The landlord testified that the tenant then also failed to pay \$950.00 rent owed on April 26, 2013. The landlord submitted copies of text messages that confirmed the tenant acknowledged the debt. The total claim is for \$2,100.00 plus reimbursement for the \$50.00 cost of the application.

The tenant testified that he did not owe the amount of delinquent rent being claimed by the landlord. The tenant testified that he was not issued with receipts for payments. The tenant also stated that he has repeatedly promised the landlord that he would pay the rent owed, but pointed out that he does not have the resources to pay because he is currently unemployed.

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 \$2,150.00 comprised of accrued rental arrears of \$2,100.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$4750.00 in partial satisfaction of the claim leaving a balance due of \$1,675.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$1,675.00. 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: May 28, 2013

Residential Tenancy Branch

