



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westgate Capital Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord's representative and the tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent?

Background and Evidence

The tenancy began in April, 2012. The monthly rent was \$950.00. The tenant paid a security deposit of \$475.00 and a pet deposit of \$475.00 at the commencement of the tenancy.

The tenant did not pay rent for May. He moved out of the rental unit at the end of May. Due to a burst pipe there was a flood in the rental unit on or about June 2nd. The tenant had some wood stored at the rental unit that damaged by the flood. The tenant testified that he was prevented from performing any cleaning of the rental unit due to the flood. In the application for dispute resolution the landlord claimed unpaid rent for May. The tenant said there were serious maintenance issues at the rental property and this was the reason why he moved out of the rental unit. He said that he may bring a claim against the landlord with respect to some of those matters.

Analysis and Conclusion

In the application the landlord requested an order for possession. Because the tenant has moved out of the rental unit an order for possession is not required and the

landlord's application for an order for possession is dismissed. The tenant did not pay rent for May; at the hearing the landlord requested a monetary order for May and for June rent. There was a burst pipe and a flood that has rendered the rental unit uninhabitable; this was not due to any fault of the tenant and the tenant moved out of the rental unit at the end of May. I deny the landlord's request for June rent. The landlord is entitled to a monetary award for May rent and the filing fee for this application for a total award of \$1,000.00. I order that the landlord retain the security and pet deposits totalling \$950.00 in partial satisfaction of this award and grant the landlord an order under section 67 for the balance of \$50.00. 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: June 14, 2013

Residential Tenancy Branch

