



Dispute Resolution Services

Page: 1

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 May 16, 2013, a monetary order for rent owed 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 in person on May 25, 2013, 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 vacated the unit at the end of May 2013. 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 10, 2010, at which time the tenant paid a security deposit of \$750.00.

Submitted into evidence was a copy of the 10-Day Notice to End Tenancy for Unpaid Rent and a copy of the tenancy agreement.

The landlord testified that the tenant accrued arrears for \$25,500.00 over the past 17 months of the tenancy. The landlord testified that the tenant had made repeated representations to the landlord during the tenancy that all of the money owed would be paid in full. The landlord testified that, however, when the tenant failed to satisfy the rental account by paying the arrears, he issued a 10-Day Notice to End Tenancy for Unpaid Rent on May 16, 2013 and served it in person to the tenant on the same day.

The landlord testified that the tenant did not pay any of the arrears and vacated at the end of May 2013. The landlord is seeking a monetary order in the amount of \$25,000.00.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person. I find that 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 \$25,600.00 comprised of rent of \$1,500.00 for fifteen months and the \$100.00 cost of the application. I order that the landlord retain the tenant's security deposit of \$750.00 in partial satisfaction of the claim leaving a balance due of \$24,850.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$24,850.00. 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: June 18, 2013

Residential Tenancy Branch