



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order. The hearing was originally convened on July 19, 2013 at which time an interim decision was issued granting the landlord an order of possession and the monetary matters were adjourned to this hearing.

All parties in attendance at the original hearing were provided with the date, time and call instructions for the reconvened hearing. In addition the interim decision was mailed to both parties with a Notice of Hearing document providing this same information.

The hearings were conducted via teleconference and the hearing on July 19, 2013 was attended by the landlord's agent; the landlord; his translator and an agent for the tenant. The hearing of July 30, 2013 was attended only by the landlord's agent.

This decision must be read in conjunction with the interim decision of July 19, 2013.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on January 11, 2008 for a month to month tenancy beginning on February 1, 2008 for the monthly rent of \$1,700.00 due on the 1st of each month and a security deposit of \$850.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on June 7, 2013 with an effective vacancy date of June 17, 2013 due to \$10,400.00 in unpaid rent.

The landlord submitted that despite the amount of rent owing the landlord only seeks compensation in the amount of \$5,000.00.

Analysis

Based on the disputed testimony and evidence submitted by the landlord I find the landlord has established the tenant has failed to pay rent in the amounts noted.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$5,050.00** comprised of \$5,000.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$862.40 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$4,187.60**.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: July 31, 2013

Residential Tenancy Branch