



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD 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;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn evidence that they served the Notice to end Tenancy dated June 3, 2013 by posting it on the door and the Application for Dispute Resolution by registered mail. The postal service notes that cards were left but the tenants failed to pick up the mail so it was returned to the sender after 16 days. I find that the tenant is deemed to be served with the Application according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated June 3, 2013 for unpaid rent. The tenant vacated on June 30, 2013 so an Order of Possession is not necessary. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend but is deemed to be served with the Application/Notice of Hearing. The landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced in June 2012 on a fixed term lease with a provision for a month to month tenancy thereafter. A security deposit of \$430 was paid May 9, 2012 and rent is currently \$892.68 a month. The landlord said the tenant vacated on June 30, 2013, dropped off the keys, paid no rent for June and left no forwarding address. The landlord claims the

rental arrears of \$892.68. The tenant did not submit any documents to dispute the amount owing.

In evidence is the lease, the Notice to End Tenancy and the registered mail receipts.

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

Analysis

I find the weight of the evidence is that there are rental arrears in the amount of \$892.68 for June 2013.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

| | |
|---|---------|
| Rent arrears June 2013 | 892.68 |
| Filing fee | 50.00 |
| Less security deposit (no interest 2012-13) | -430.00 |
| Total Monetary Order to landlord | 512.68 |

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: August 21, 2013

Residential Tenancy Branch