



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 17, 2013, by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for: unpaid rent or utilities and to recover the cost of the filing fee from the Tenant for this application.

The Landlord testified that the Tenant was served with copies of the Landlord's application for dispute resolution, Notice of dispute resolution hearing, and the Landlord's evidence, on July 18, 2013, by registered mail. Canada Post receipts were provided in the Landlord's testimony. Based on the submissions of the Landlord I find the Tenant was deemed served notice of this proceeding on July 23, 2013, five days after they were mailed, in accordance with section 90 of the Act. Therefore, I proceeded in the Tenant's absence.

Issue(s) to be Decided

1. Has the Landlord regained possession of the unit?
2. Is the Landlord entitled to a Monetary Order?

Background and Evidence

The Landlord submitted documentary evidence which included a copy of the 10 Day Notice to end tenancy for unpaid rent issued July 2, 2013, and the tenancy agreement.

The Landlord stated that the parties entered into a fixed term tenancy agreement that began on July 1, 2011 and switched to a month to month tenancy after June 30, 2012. Rent was initially payable on the first of each month in the amount of \$825.00 and effective July 1, 2013, rent increased to \$856.35 per month. On June 14, 2011 the Tenant paid \$412.50 as the security deposit.

When the Tenant failed to pay the July 1, 2013, rent, parking and storage locker fees, a 10 Day Notice was posted to the Tenant's door on July 2, 2013.

The Landlord stated that they checked the unit on July 23, 2013, at which time they found the unit was empty and the keys were left inside. No forwarding address was provided by the Tenant. She confirmed they regained possession and were withdrawing their request for an Order of Possession. They wished to continue with their claim for the monetary order.

Analysis

Given the evidence before me, in the absence of any evidence from the Tenant who did not appear despite being properly served with notice of this proceeding, I accept the undisputed version of events as discussed by the Landlord and corroborated by their evidence.

The Landlord has withdrawn their request for an Order of Possession as they regained possession of the unit on July 23, 2013.

The Landlord claimed unpaid rent of \$856.35 that was due on July 1, 2013. The Tenant failed to pay rent in accordance with the tenancy agreement which is a breach of section 26 of the Act. Accordingly, I award the Landlord a Monetary Award for unpaid rent of **\$856.35**.

The remainder of the amounts claimed are not unpaid rent and refer to separate rental agreements for parking and storage which do not fall under the *Residential Tenancy Act*. Accordingly I dismiss the claim for parking and storage.

The Landlord has been successful with their application; therefore I award recovery of the **\$50.00** filing fee

Any deposits currently held in trust by the Landlord are to be administered in accordance with Section 38 of the *Residential Tenancy Act*.

Conclusion

The Landlord has been awarded a Monetary Order in the amount of **\$906.35** (\$856.35 + \$50.00). This Order is legally binding and must be served upon the Tenant. In the event

that the Tenant does not comply with this Order it may be filed with the Province of British Columbia 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: August 26, 2013

Residential Tenancy Branch

