



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SEEGMOR HOLDINGS INC.
and [tenant name suppressed to protect privacy]

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 DDAATTEE, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

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 on September 15, 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 tenancy began on May 1, 2009, at which time the tenant paid a security deposit of \$400.00. The landlord testified that when the tenant failed to pay \$850.00 rent due on July 1, 2013 a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant in person on July 29, 2013. The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated July 29, 2013 with effective date of August 8, 2013.

The landlord testified that the tenant did not pay the arrears for July and also failed to pay rent owed for the month of August and September 2013. The landlord testified that

the tenant vacated on September 15, 2013 without paying and leaving her vehicle on the premises.

The landlord is seeking compensation of \$850 rent owed for July 2013, \$850.00 rent for August 2013 and \$425.00 rent for the first half of September 2013 for a total claim of \$2,125.00 plus the \$50.00 cost of filing the application.

The tenant did not dispute that the rent was unpaid. The tenant stated that she will remove her vehicle within the next couple of days.

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. 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 \$2,175.00 comprised of \$2,125.00 rental arrears and the \$50.00 cost of the application.

I order that the landlord retain the security deposit of \$400.00 in partial satisfaction of the claim leaving a balance due of \$1,775.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$1,775.00. 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: September 26, 2013

Residential Tenancy Branch

