



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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;
- b) An Order of Possession pursuant to Sections 46, and 55;
- 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 provided sworn evidence that the Notice to end Tenancy dated July 17, 2013 was served by registered mail and that the Application for Dispute Resolution was served personally with a witness. It was verified online that the registered mail was successfully delivered. I find that the tenant was served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated July 17, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although 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 July 2013 on a fixed term lease expiring on June 30, 2014, a security deposit of \$650 was paid (with a \$7 fee for the first NSF cheque) and rent is \$1300 a month. The landlord said that the tenant had paid no rent; they found that the tenant had stopped payment on the rent cheques and left on August 31, 2013. They were able to re-rent for September 15, 2013.

The landlord is claiming rental arrears and loss of \$3250 for July, August and half of September's rent. They request to retain the security deposit to offset the amount owing. In evidence is a copy of the lease and the Notice to End Tenancy. The tenant did not provide any documents or otherwise dispute the amounts.

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

Analysis

The landlord no longer requires an Order of Possession as the tenant vacated.

Monetary Order

I find that there are rental arrears and loss in the amount of \$3250 for July, August and half of September's rent.

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 and loss (July to Sept. 2013)	3250.00
Filing fee for this application	50.00
Less security deposit (no interest 2013)	-650.00
Total Monetary Order to landlord	2650.00

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 05, 2013

Residential Tenancy Branch

