



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that a copy of the October 3, 2013 amended Application for Dispute Resolution and Notice of Hearing was personally given to the tenant on October 4, 2013, at the rental unit, at 6:30 p.m. The Landlord's son testified that he was present and witnessed service take place.

These documents are deemed to have been served in accordance with section 89 and 90 of the Act, on the day of personal delivery. However the tenant did not appear at the hearing.

Preliminary Matters

The landlord stated that on October 15 or 16, 2013 he was able to obtain possession of the rental unit; an Order of possession is not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced in April 2012, rent was \$1,000.00 per month, due on the 1st day of each month. A security deposit in the sum of \$500.00 was paid. A tenancy agreement was signed; a copy was not supplied as evidence.

On September 15, 2013 the landlord personally served the tenant with a 10 day Notice to end tenancy for unpaid rent. The Notice required the tenant to vacate the unit on September 26, 2013. The tenant did not pay August 2013 rent in the sum of \$1,000.00 and no further rent was paid.

The landlord has claimed compensation in the sum of \$3,000.00 for unpaid August, September and October, 2013 rent.

The landlord would like to apply the security deposit to the amount owed for rent. The tenant has not supplied the landlord with a written forwarding address.

Analysis

In the absence of the tenant, who was served with notice of this hearing, I find, pursuant to section 67 of the Act, that the landlord is entitled to compensation in the sum of \$3,000.00 for unpaid rent from August to October, 2013, inclusive. The tenant occupied the rental unit and did not pay rent owed.

Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant. Therefore, I find that the landlord may retain the tenant's \$500.00 security deposit in partial satisfaction of the monetary claim.

I find that the landlord's application has merit and that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order for the balance of \$2,550.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent.

The landlord may retain the deposit in partial satisfaction of the claim.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 08, 2013

Residential Tenancy Branch

