



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 August 10, 2013, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on September 1, 2013, the tenant did not appear.

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 August 31, 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 landlord testified that the tenancy began on September 1, 2005, at which time the tenant paid a security deposit of \$367.50.00. The landlord testified that when the tenant failed to pay \$910.00 rent due on August 1, 2013, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant in person on August 10, 2013. The landlord testified that the tenant paid \$200.00 towards the arrears, but still owes \$710.00, which is being claimed.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated August 10, 2013 and a copy of the tenancy agreement.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. The tenant has not paid all of the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$760.00, comprised of rental arrears of \$710.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$367.50 and interest of \$13.01, totaling \$380.51, in partial satisfaction of the claim, leaving a balance due of \$379.49.

I hereby grant the Landlord a monetary order, under section 67 of the Act, for \$379.49. 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: December 04, 2013

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Residential Tenancy Branch

