



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Greater Victoria Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR; MND; MNR; MNDC; MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and damages; compensation for damage or loss; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent RM gave affirmed testimony at the Hearing.

RM testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant, via registered mail, to the Tenant's forwarding address, on November 8, 2013. RM provided the tracking numbers for the registered documents.

Based on RM's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Preliminary Matters

RM testified that the Tenant moved out of the rental unit on October 20, 2013, and that the Landlord disposed of some abandoned possessions with the consent of the Tenant.

The tenancy has ended and therefore the Landlord's application for an Order of Possession is dismissed. RM stated that the rental unit was re-rented for December 1, 2013.

The Landlord's application seeks a monetary award for "\$310.00 in unforseen damages" (reproduced as written). The Landlord provided no evidence with respect to this portion of its application and therefore it is dismissed with leave to reapply.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord's agent RM gave the following testimony:

This tenancy began on February 1, 2013. Monthly rent was \$1,200.00 per month, due on the first day of each month. The Tenant also paid parking fees in the amount of \$25.00 per month. The Tenant paid a security deposit in the amount of \$600.00 on February 1, 2013.

On October 7, 2013, RM served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenant's door at the rental unit. This Notice was uncontested. The Tenant has not paid the outstanding rent for September and October, 2013.

The Landlord's agent requested a monetary order for unpaid rent and parking fees, as follows:

Unpaid rent for September, 2013	\$1,200.00
Unpaid rent for October, 2013	\$1,200.00
Unpaid parking fees	<u>\$50.00</u>
TOTAL AMOUNT CLAIMED	\$2,450.00

Analysis

I accept that the undisputed affirmed testimony of the Landlord's agent in its entirety. I find that the Landlord is entitled to a monetary award for loss of rent and parking fees in the total amount of \$2,450.00.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award. No interest has accrued on the security deposit.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Unpaid rent and parking fees	\$2,450.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$2,500.00
Less security deposit	<u>- \$600.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$1,900.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of \$1,900.00 for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: January 08, 2014

Residential Tenancy Branch

