



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, OPR, MNR, MNSD, FF

Introduction

This hearing was convened to address a claim by the tenant for a monetary order and a claim by the landlord for an order of possession, a monetary order and an order authorizing them to retain the security deposit in partial satisfaction of the claim. The matter was originally set to be heard on October 17, 2013 and on that date, an agent of the tenant appeared at the hearing to request an adjournment as the tenant was traveling outside of the country and was set to return within a matter of weeks. I granted the adjournment and the hearing was set to reconvene on this date. Notices of hearing were sent to the party, the tenant's copy being sent to the address confirmed by his agent. The notice of hearing was not returned by Canada Post as undeliverable. The tenant did not appear at the reconvened hearing, but I was satisfied that he had received notice of the hearing and the hearing proceeded in his absence.

As the tenant did not appear at the hearing to advance his claim for compensation for lack of heat, the claim is dismissed without leave to reapply.

The landlord originally made a claim for an order of possession but at the hearing, the landlord's agent confirmed that the tenancy had ended. I therefore consider the claim for an order of possession to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in August 2012 at which time a \$550.00 security deposit was paid. The tenant gave notice that he would end his tenancy at the end of May 2013, but he did not pay rent in the amount of \$1,120.00 for the month of May. The landlord seeks to recover the unpaid rent.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to pay rent in the month of May 2013. I award the landlord \$1,120.00. As the landlord has been successful in their application, I find that they are entitled to recover the filing fee and I award them a further \$50.00 for a total award of \$1,170.00.

I order the landlord to retain the \$550.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$620.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant's claim is dismissed. The landlord is granted a monetary order for \$620.00 and will retain the security deposit.

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 11, 2013

Residential Tenancy Branch

