



Dispute Resolution Services

Page: 1

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 Mutual Agreement to end Tenancy effective December 15, 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 December 17 and December 18, 2013, neither of the co-tenants appeared.

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 December 21, 2013. The landlord still seeks a monetary order for the rent owed and loss of rent for the month of December.

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 in September 2013, at which time the tenant paid a security deposit of \$825.00. The landlord testified that when the tenant failed to pay any rent for December 2013 and, instead of vacating on December 15, 2013, the tenant remained in the suite until December 21, 2013.

The landlord is seeking rent owed in the amount of \$1,650.00.

The landlord submitted into evidence a copy of the tenancy agreement and a copy of the Mutual Notice to End Tenancy dated December 1, 2013 and effective December 15, 2013. The landlord testified that when the tenant finally vacated, the rental unit was not left in rentable condition and required substantial repairs.

Analysis

Based on the testimony of the landlord, I find that the tenant has not paid the outstanding rent for December 2013 and owes the landlord \$1,650.00.

In regard to the landlord's testimony that additional damage this tenant left in the unit delayed re-rental further, and incurred further monetary losses I find that the landlord is at liberty to make an application seeking damages. However, I find that the application and hearing before me pertains to the landlord's claim for rent for the month of December 2013.

I find that the landlord has established a total monetary claim of \$1,700.00, comprised of \$1,650.00 rent owed for December 2013 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$825.00 in partial satisfaction of the claim leaving a balance due of \$875.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$875.00. 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: January 13, 2014

Residential Tenancy Branch

