



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, RP, LRE, FF

Introduction

This hearing dealt with two related applications. The tenant has applied for a monetary order, an order compelling the landlord to make certain repairs, and an order restricting the landlord's right of entry. The landlord has applied for an order of possession, a monetary order, and an order permitting retention of the security deposit in partial satisfaction of the claim.

Although the tenant was served with the landlord's application for dispute resolution and notice of hearing by registered mail, and although he had filed his own application against the landlord, the tenant did not appear.

As the parties and circumstances are the same for both applications, one decision will be rendered for both.

The landlord advised that the tenant had moved out of the rental unit and an order of possession was no longer required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Is the tenant entitled to any of the orders requested and, if so, on what terms?

Background and Evidence

This fixed term tenancy commenced September 15, 2013 and was to end January 30, 2014. The tenancy agreement specifically provided that the tenant would move out of the rental unit at the end of the tenancy. The monthly rent of \$2850.00 is due on the first day of the month. The tenant paid a security deposit of \$1425.00.

The tenant did not pay the January rent. On January 2 the landlord issued and served a 10 Day Notice to End Tenancy for Non-Payment of Rent. The tenant moved on or about January 8 without having paid anything for the January rent and without advising the landlord in advance of the move-out date.

The landlord testified that because the tenant did not tell her when he was moving out; did not cooperate with showings of the unit for prospective tenants for February; and left the rental unit in very poor condition she was not able to re-rent the unit before the end of January.

Analysis

I find that the landlord has established a total monetary claim of \$2900.00 comprised of arrears of rent for January in the amount of \$2850.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$1425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1475.00.

As the tenant did not appear at the hearing, his claim is dismissed without leave to reapply.

Conclusion

A monetary order in favour of the landlord has been made. If necessary, this order may be filed in Small Claims Court and enforced as an order of that court.

The tenant's claim has been dismissed without leave to reapply.

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 24, 2014

Residential Tenancy Branch