

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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

- 1. An Order of Possession Section 55;
- 2. A Monetary Order for unpaid rent Section 67;
- 3. An Order to recover the filing fee for this application Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord advised the tenant has vacated therefore an Order of Possession is not necessary and is preliminarily dismissed. The hearing proceeded on the merits of the landlord's monetary claim.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

This tenancy has ended. Rent in the amount of \$1475.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$738.00 retained in trust. The tenant failed to pay the rent for December 2013 and on December 13, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord testified that on January 05, 2014 they met with the daughter of the tenant occupying the rental unit in the midst of the tenant vacating the rental unit and obtained 1 of 2 keys to the unit at that time. The landlord returned to the vacant unit the following week to retrieve the second key. The landlord's monetary claim is for the unpaid rent.

<u>Analysis</u>

Based on the relevant testimony and document evidence before me I find that the tenant has not paid the outstanding rent for December 2013. I find the landlord has established a monetary claim for the unpaid rent for December 2013. As the tenant still occupied the rental unit the first week of January 2014 I grant the landlord *one half* month's payable rent for January 2014. If the landlord has evidence to support their inability to rent the unit for the remainder of January 2014 the landlord has leave to reapply for the balance of the rent. The landlord is further entitled to recovery of the \$50.00 filing fee. The security deposit will be off-set from the award herein.

Calculation for Monetary Order

Total monetary award	\$1524.50
Less security deposit	-738.00
Filing fee	50.00
Unpaid rent for January	737.50
Unpaid rent for December 2013	\$1475.00

Conclusion

I Order that the landlord retain the deposit of \$738.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of \$1524.50. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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 14, 2014

Residential Tenancy Branch