



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although he was personally served with the Application for Dispute Resolution and Notice of Hearing on December 24, 2013. The landlord testified at the hearing that the tenant moved out of the rental unit on January 26, 2014 and an order for possession is no longer required

Issues

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on October 31, 2013. The rent is \$700.00 due in advance on the first day of each month. The tenant paid a security deposit of \$325.00 at the start of the tenancy. The tenant did not pay rent for December when it was due. On December 15, 2013 the landlord personally served the tenant with a Notice to End Tenancy for non-payment of rent. The tenant has not paid rent for December or for January and he did not file an application to dispute the Notice to End Tenancy. He moved out of the rental unit on February 26. The landlord claimed rent for December, January and for February. He said that he was claiming rent for February because the tenant did not notify him that he was going to move out on January 26th.

Analysis

Because the tenant has moved out of the rental unit the landlord no longer requires an order for possession and the application for an order for possession is therefore dismissed. With respect to the claim for unpaid rent, I find that the landlord is entitled to an award for December and January, but not for February. The tenancy ended pursuant to the Notice to End Tenancy given by the landlord and the tenant's departure was therefore to be expected. The landlord has not demonstrated that he has taken any steps to re-rent for the month of February; he may be successful in re-renting

during the month of February. The landlord's claim for February rent is dismissed without leave to reapply.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$1,400.00 for the outstanding rent for December and January. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,450.00. I order that the landlord retain the deposit and interest of \$325.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,125.00. This order may be filed in the Small Claims Court 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: February 06, 2014

Residential Tenancy Branch

