



Dispute Resolution Services

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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 landlord has also requested recovery of the filing fee of \$50 from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing in person on January 21, 2014 the tenant did not appear.

At the outset of the hearing the landlord advised that the tenant had already vacated the rental unit and that an order of possession was no longer necessary.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on August 1, 2013. The rent was \$1400 due in advance on the first day of each month. A security deposit of \$700 was paid at the start of the tenancy. On January 10, 2014 the tenant was served with a Notice to End Tenancy for non-payment of rent. The tenant has not paid any rent since November 2013. The tenant vacated the rental unit on March 9, 2014.

The landlord claims that the current amount of rent outstanding is \$5600 being rent for December, January, February and March.

Analysis

The landlord has claimed unpaid rent in the total amount of \$5600. The tenant has not disputed that this is the amount of rent owing. The Act and the tenancy agreement require that the tenant pay the rent when it is due. I am therefore satisfied that the landlord has established this claim.

Conclusion

I find that the landlord has established a total monetary claim of \$5650 comprised of \$5600 in unpaid rent and the \$50 fee paid by the landlord for this application. I therefore order that the landlord retain the deposit of \$700 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4950. 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: March 10, 2014

Residential Tenancy Branch

