



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNDC O FF CNR

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 \$50 filing fee from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing by posting on the rental unit door on January 24, 2014 the tenant did not appear. I note that the Act does not permit posting on the door as a mode of service for applications but I am satisfied based on the testimony of Ms. Allison that the documents were sufficiently served for the purposes of the Act. I rely on Section 71(2) in making this finding.

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.

The tenant had also filed an Application for Dispute Resolution and the hearing of that matter was supposed to be heard at the same time as the landlord's. However, as already stated, the tenant did not appear. As a result, the tenant's application is hereby dismissed.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on June 27, 2013. The rent was \$1500 per month. A security deposit of \$750 was paid at the start of the tenancy. On January 17, 2014 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant

disputed the Notice the next day claiming that the landlord owed him money for work done and materials purchased.

The landlord testified the tenant still owes \$500 in rent for December and that no rent has been paid at all for the months of January, February and March.

Analysis

The landlord has claimed unpaid rent in the total amount of \$5000. The tenant has not disputed that this is the amount of rent owing but claimed in his application that the landlord owed him money. The tenant did not attend the hearing to explain his case further but in any event 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.

I am also satisfied that the landlord is entitled to recover his filing fee from the tenant.

Conclusion

I find that the landlord has established a total monetary claim of \$5050 comprised of \$5000 in unpaid rent and the \$50.00 fee paid by the landlord for this application. I therefore order that the landlord retain the deposit of \$750 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4300. 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

