



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, MNSD, OPR, FF

Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

At the outset the landlord advised that the tenant had moved out as of February 5, 2014 and that the landlord was abandoning its application for an Order for Possession. The landlord's agent testified that the tenancy began on August 1, 2007 with rent in the amount of \$ 860.54 due in advance on the first day of each month. The tenant paid a security deposit of \$ 350.00 on August 1, 2007. The landlord's agent testified that the dispute resolution package was sent by registered mail to the tenant on January 17, 2014 but returned unclaimed to the landlord on February 14, 2014. The landlord's agent testified that the arrears from January through February were \$ 1,721.08.

Analysis:

Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with the application for Dispute Resolution on January 22, 2014 by registered mail. The tenant has not paid all the outstanding rent. I find that the landlord has established a claim for unpaid rent totalling \$ 1,721.08 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 860.54 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee.

Conclusion:

I order that the landlord retain the deposit and interest of \$ 357.49 and I grant the landlord an order under section 67 for the balance due of **\$ 503.05**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Order must be served on the tenant as soon as possible. I have dismissed all other applications.

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 04, 2014

Residential Tenancy Branch

