



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend although she was served with the application and Notice of Hearing sent by registered mail on February 14, 2014. The tenant and her son, who also lived in the rental unit have moved out and the landlord has possession of the rental unit. An order for possession is no longer required. The landlord's application for an order for possession is therefore dismissed.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

The rental unit is a house in Delta. The tenancy started in January, 2011. The monthly rent was \$1,600.00 and the tenant paid an \$800.00 security deposit at the start of the tenancy.

The landlord served the tenant with a Notice to End Tenancy for cause because the landlord received written complaints from the Municipality about junk, debris and a derelict vehicle brought onto the rental property by the tenant and her son. The tenant failed to pay rent for February. She moved out in mid-February. Her son moved out at the beginning of March. The landlord testified that since the tenants have moved out the landlord has expended a significant amount of time and money to clean up and repair the rental unit.

The landlord has not re-rent the unit and rent for February was never paid.

Analysis

The landlord is entitled to recover the unpaid rent for February in the amount of \$1,600.00. The landlord has leave to file a further application for dispute resolution to claim the costs of clean up and repairs to the rental unit as well as loss of rental income if any.

Conclusion

I award the landlord unpaid rent for February in the amount of \$1,600.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,650.00. I order that the landlord retain the security deposit of \$800.00 in partial satisfaction for this award and I grant the landlord an order under section 67 for the balance of \$850.00. This order may be registered in the Small Claims Court and enforced as an order of that court. The landlord has leave to apply for a further monetary award for cleaning and repair costs.

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: April 02, 2014

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Residential Tenancy Branch

