



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Shelmar Credit Acceptance Limited  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MNDC, MNSD, MNR, OPR

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$2775.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit towards the claim.

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 31, 2014; however the respondent did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing and therefore, since the respondent has been properly served, the hearing took place in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

At the beginning of the hearing the applicant stated that they now have possession of the rental unit and therefore no longer require an Order of Possession.

The remaining issue therefore is whether or not the landlords have established a monetary claim against the respondent and, if so, in what amount.

## Background and Evidence

The applicant testified that:

- This tenancy began on November 1, 2013 with a monthly rent of \$925.00.
- The tenant failed to pay the March 2014 rent and therefore on March 13, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice and therefore on March 26, 2014 they applied for dispute resolution.
- The tenant subsequently vacated the rental unit on approximately April 5, 2014.
- They were not able to re-rent the unit in the month of April 2014.
- They are therefore requesting a Monetary Order for the outstanding March 2014 and April 2014 rent totaling \$1850.00.
- They are withdrawing their request for lost rental revenue for the month of May 2014.

## Analysis

It is my finding that the landlords have shown that the tenant failed to pay rent for the months of March 2014, and April 2014 and therefore pursuant to section 67 of the Residential Tenancy Act I allow the landlords request for a Monetary Order for that outstanding rent.

I also allow recovery of the landlord's \$50.00 filing fee

## Conclusion

I have issued an Order for the respondent to pay \$1900.00 to the applicants.

I make no Order regarding the security deposit as the landlords did not provide any evidence as to how much security deposit is held.

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: May 14, 2014

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Residential Tenancy Branch

