



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLUMBIA PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated April 7, 2014 was served personally to an older male adult in the tenant's unit who said he was helping them clean and move and the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated April 7, 2014 for unpaid rent. The tenant has vacated so an Order of Possession is no longer required. Has the landlord proved on a balance of probabilities that there is unpaid, rent and they are entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although successfully served with the Application/Notice of Hearing by registered mail. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on October 1, 2013, rent was \$650 per month plus late fees of \$25 and a security deposit of \$325 was paid on September 17, 2013. The landlord testified that the tenant is in rent arrears of \$650 plus late fee of \$25; although an additional rental loss of \$650 was

claimed for May 2014 on the Application, the landlord is waiving that as the unit is for sale.

In evidence are the Notice to End Tenancy, the lease agreement, a rental ledger and a letter from the tenants saying they did not want to do a condition inspection report on move-out. The tenants provided no documents in dispute.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Monetary Order

I find that there are rental arrears in the amount of \$650 plus a late fee of \$25 as provided in the lease to April 30, 2014. I find the landlord may retain the security deposit to offset amounts owing and I give leave to reapply for further damages.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below and to retain the security deposit to offset the amount owing. I find the landlord is entitled to recover filing fees paid for this application. I give the landlord leave to reapply for other damages related to this tenancy within the legislated timelines.

Calculation of Monetary Award:

Rent arrears and late fee to April 30, 2014	675.00
Filing fee	50.00
Less security deposit (no interest 2013-14)	-325.00
Total Monetary Order to Landlord	400.00

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: June 12, 2014

Residential Tenancy Branch

