



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

Dispute codes OP MNR MNSD FF

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 hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on April 25, 2014. The tenants moved out of the rental unit and returned the keys to the landlord on May 5, 2014. Because the tenancy has ended 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.

Issues

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on June 1, 2013. The rent is \$1,100.00 due in advance on the first day of each month. The tenants paid a security deposit of \$550.00 at the start of the tenancy. The tenant did not pay rent for April when it was due. On April 2, 2014 the landlord served the tenants with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. . The tenants have not paid rent for April or for May. They did not file an application to dispute the Notice to End Tenancy and moved out in May. The landlord was unable to re-rent the unit for the month of May and has claimed loss of revenue for May.

Analysis

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$2,210.00 for the outstanding rent for April and May, inclusive of

parking for April. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,260.00. I order that the landlord retain the deposit and interest of \$550.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,710.00. 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: June 12, 2014

Residential Tenancy Branch

