



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RED DOOR HOUSING SOCIETY
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;
- c) To retain the security deposit to offset the amount owing; 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 2, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. It was verified online that delivery was attempted, notices were left but it was returned to the sender after five days and it not being claimed. 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 2, 2014 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced in October 2011, but after a spouse moved out, a new tenancy agreement was signed on February 1, 2014 for a fixed term to June 30, 2014 with the tenant initials to indicate she would vacate on that date; rent as subsidized is \$212 a month and a security deposit of \$575 was paid on October 1, 2011. The landlord testified that the tenant is in rent arrears of \$212 for April

and there is \$212 loss of rent for each of May and June 2014. She said they no longer need an Order of Possession for the tenant's parents came, moved her belongings and returned the keys for June 30, 2014 as the tenant was unavailable.

In evidence is the Notice to End Tenancy, letters from the landlord to the tenant re. the arrears, a rent ledger calculation, the tenancy agreement and a registered mail receipt.

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

Analysis

Order of Possession is no longer requested.

Monetary Order

I find that there are rental arrears and loss in the amount of \$636 from April to June 2014. In the hearing, the landlord waived late fees for those months. I find the landlord entitled to retain the security deposit to offset the amount owing.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears and loss to June 30, 2014	636.00
Filing fee	50.00
Less security deposit (no interest 2011-14)	-575.00
Total Monetary Order to Landlord	111.00

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: July 02, 2014

Residential Tenancy Branch

