



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ascent Real Estate Management Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPB, OPC, MNR, MSND, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail the tenant did not appear.

At the beginning of the hearing the landlord advised that on June 23, 2014 they had obtained an order of possession on an earlier application to end the tenancy early and the tenant had vacated the unit in mid-July.

Issue(s) to be Decided

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

Background and Evidence

This one year fixed term tenancy commenced March 1, 2014. The monthly rent of \$1750.00 was due on the first day of the month. The tenant paid a security deposit of \$875.00. The written tenancy agreement provided for payment by the tenant of a \$25.00 administration fee for any rent payment returned to the landlord NSF. In addition, the tenant agreed to comply with the rules and regulations of the strata corporation.

The rent payments for May, June and July were returned to the landlord "NSF" and were never paid by the tenant. Despite repeated warnings the tenant failed to comply with many of the strata rules and regulations, which resulted in a \$200.00 fine being assessed against the landlord. When the tenant vacated the unit in mid-July he left such a mess that the landlord was not able to re-rent the unit for August.

Analysis

I find that the landlord has established the following monetary claims:

Unpaid rent for May, June and July	\$5250.00
NSF fee for May, June and July	75.00
Strata fine	200.00
Filing fee	50.00
TOTAL	\$5575.00

I order that the landlord retain the deposit of \$875.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance of \$4700.00 for the balance due.

The landlord may always file a subsequent claim for cost of cleaning and repairs, and any loss of rental income incurred while the unit was being restored to a rentable condition.

Conclusion

A monetary order in favour of the landlord has been made. If necessary, 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: August 05, 2014

Residential Tenancy Branch

