



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 OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on June 13, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about March 7, 2014. Rent in the amount of \$1050.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$525.00. The tenant failed to pay rent in the month(s) of April, May and June and on June 4, 2014 the

landlord served the tenant with a notice to end tenancy. The landlord advised that as of today's hearing the amount of unpaid rent is \$1775.00.

Analysis

The landlord stated that the tenant has vacated the unit and no longer requires an order of possession; accordingly I dismiss that portion of the landlords' application.

The landlord wished to amend their application to include cleaning and repair costs to their claim. The landlord did not serve the tenant the amended application as required by the rules of procedure as follows.

2.11 Amending an application before the dispute resolution hearing

The applicant may amend the application without consent if the dispute resolution hearing has not yet commenced.

If applications have not been served on any respondents, the applicant must submit an amended copy to the Residential Tenancy Branch and serve the amended application on each respondent as soon as possible.

If the application has been served, a copy of the amended application must be served on each respondent so that they receive it at least 14 days before the scheduled date for dispute resolution hearing.

An amended application must be clearly identified, and be provided separately from all other documents. All evidence to support an amended application must be served on the other party and submitted to the Residential Tenancy Branch at the same time as the amended application is served and submitted

Based on the above I dismiss the landlords claim for cleaning and repairs with leave to reapply.

As for the monetary order, I find that the landlord has established a claim for \$1775.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order

that the landlord retain the \$525.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1300.000. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$1300.00. The landlord may retain the security deposit.

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 07, 2014

Residential Tenancy Branch

