



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR 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 May 7, 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 and after several notices were left and it was unclaimed, it was returned to the landlord. I find that the tenant is deemed to be 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 May 7, 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 deemed to be 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 on December 1, 2013 on a fixed term lease for one year, rent is \$900 a month and a security deposit of \$450 was paid on December 1, 2013. The landlord testified that the tenant is in rent arrears and late fees of \$1849 as of July 31, 2014.

She accounted for the arrears/revenue loss as follows: \$48 for May, \$863 for each of June and July 2014 plus \$25 late fees for each of these three months. Clause 7 of the

tenancy agreement sets out the late fee of \$25. The landlord stated that the tenant has paid none of the arrears or revenue loss but they left on July 15, 2014 without returning the keys. The landlord was able to re-rent the unit for August 1, 2014. The landlord states they no longer need an Order of Possession but request a monetary order for \$1849 plus filing fee and to retain the security deposit to offset the amount owing.

In evidence is the Notice to End Tenancy, the lease agreement, proof of service, a rental ledger and rent calculations 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:

The landlord no longer requires an Order of Possession as the tenant vacated.

Monetary Order

I find that there are rental arrears and late fees in the amount of \$1466 representing rental arrears and revenue loss to July 31, 2014. I find the landlord's statements well supported by the documentary evidence. I find the landlord may 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 recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears/loss to July 31, 2014	1849.00
Filing fee	50.00
Less security deposit (no interest 2013-14)	-450.00
Total Monetary Order to Landlord	1449.00

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: August 08, 2014

Residential Tenancy Branch

