



# 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      MNDC, MNR, MNSD, OPR, 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's representative called in and participated in the hearing. The tenant did not appear although she was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent July 15, 2014. The tenant moved out of the rental unit after the application was served and an order for possession is no longer required..

### 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 January 1, 1998. The current rent at the end of the tenancy was rent is \$900.92 due in advance on the first day of each month. The tenant paid a security deposit of \$325.00 at the start of the tenancy. The tenant did not pay rent for July, 2014. On July 2, 2014 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. After she received the Notice to End Tenancy the tenant gave the landlord a written notice advising that she was unable to pay the rent and would be moving out by July 28, 2014. The landlord's representative testified that the landlord succeeded in re-renting the unit for August and was claiming unpaid rent for July in the amount of \$900.92. The landlord submitted evidence concerning the condition of the rental unit after the tenant moved out, but the landlord's application did not include a claim for cleaning or repairs to the rental unit.

### Analysis and conclusion

*Monetary Order and Security Deposit* - I find that the landlord has established a total monetary claim of \$900.92 for the outstanding rent for July. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$950.92. I order that the landlord retain the deposit of \$325.00 and interest of \$41.90 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$584.02. This order may be filed in the Small Claims Court and enforced as an order of that Court. The landlord has leave to apply for a further monetary order for the cost of cleaning and repairs to the rental unit

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: September 16, 2014

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Residential Tenancy Branch

