



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that July 10, 2014 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail at the address noted on the Application. A Canada Post tracking number and receipt was provided as evidence of service. The landlord said that the Canada Post tracking information showed that the mail was accepted by the tenant on July 25, 2014.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

The landlord said that the tenant vacated the rental unit on August 5, 2014 and that they wish to reduce the claim from \$1,476.00 for July, August and September rent; to include only July rent and the loss of 5 days rent in August.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Background and Evidence

The tenancy commenced on February 21, 2008. Market rent was \$868.00 due by the 1st day of each month. A security deposit in the sum of \$432.50 was paid. A copy of the tenancy agreement was supplied as evidence.

Subsidized rent in the sum of \$492.00 per month was due in the last year of the tenancy. This was based on asset declaration.

The landlord provided evidence of multiple 10 day Notices to end tenancy for unpaid rent that have been issued to the tenant in recent months.

The tenant did not pay July 2014 rent and on June 5, 2014 was given a 10 day Notice to end tenancy, effective June 15, 2014. The tenant vacated on August 5, 2014 and did not pay July or August 2014 rent.

The landlord is claiming compensation for unpaid July 2014 rent in the sum of \$492.00 plus pro-rated rent in the sum of \$80.90 (\$16.18/day) from August 1 to 5th, 2014, inclusive.

Analysis

I find, pursuant to section 44(f) of the Act that the tenancy ended effective August 5, 2014; when the tenant vacated the rental unit.

In the absence of the tenant who was served with notice of this hearing, I find that the landlord is entitled to compensation for unpaid July and August 2014 rent in the sum of \$572.90.

The landlord confirmed they wished to retain the security deposit, therefore, pursuant to section 72(2) of the Act, I find that the landlord is entitled to retain the security deposit in the sum of \$432.50 plus interest in the sum of \$5.58.

As the claim has merit I find that the landlord is entitled to recover the \$50.00 filing fee from the tenant.

Based on these determinations I grant the landlord a monetary Order in the sum of \$184.82. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court

Conclusion

The landlord is entitled to a monetary Order for unpaid rent.

The landlord may retain the security deposit.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 12, 2014

Residential Tenancy Branch

