



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for accrued rental arrears left by the tenant at the end of the tenancy. The landlord is also seeking to keep the security deposit in partial satisfaction of the claim.

The hearing was also to deal with a cross application by the tenant seeking a refund of the tenant's security deposit.

Despite being served by registered mail sent to the tenant's forwarding address, on May 1, 2014, as verified by the Canada Post tracking number, the respondent did not appear.

As the tenant did not appear to present their case, the tenant's application is dismissed and the hearing proceeded with respect only to the landlord's application and monetary claim.

### **Issue(s) to be Decided**

Is the landlord entitled to compensation for rental arrears owed?

### **Background and Evidence**

The tenancy began in January 2014. Rent was \$775.00 and a security deposit of \$400.00 was paid. A copy of the tenancy agreement is in evidence.

The landlord testified that the tenant suddenly vacated without notice in mid April 2014 and failed to pay the rent due on May 1, 2014 and the landlord is seeking compensation of \$775.00. The landlord pointed out that the unit was advertised immediately and they managed to re-rent the unit for the month of June 2014.

### **Analysis**

With respect to the rent, I find that section 26 of the Act states that rent must be paid when it is due. Section 45 of the Act provides that a tenant may terminate their month-to-month tenancy by giving the landlord notice to end the tenancy effective on a date that:

- (a) is not earlier than one month after the date the landlord receives the notice, and
- (b) is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

Given the above, I find that the landlord has established a total monetary claim of \$825.00 comprised of \$775.00 for loss of rent and the \$50.00 cost of this application. I order that the landlord retain the tenant's security deposit of \$400.00 in partial satisfaction of the claim leaving a balance due of \$425.00.

I hereby grant the Landlord an order under section 67 for \$425.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court. The remainder of the landlord's application is dismissed without leave.

### **Conclusion**

The landlord is successful in the application and is granted a monetary order for loss of revenue. The tenant's cross application is dismissed without leave as the tenant failed to appear.

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 02, 2014

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Residential Tenancy Branch

