



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated July 7, 2014, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on July 27, 2014, the tenant did not appear.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant vacated the unit on August 20, 2014. The landlord still seeks a monetary order for the rent owed.

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

Is the landlord entitled to monetary compensation for rental arrears?

### **Background and Evidence**

The landlord testified that the tenancy began on November 1, 2013, at which time the tenant paid a security deposit of \$450.00. The landlord testified that when the tenant failed to pay \$900.00 rent due on July 1, 2014, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant in person on July 7, 2014.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated July 7, 2014. The landlord testified that the tenant did not pay the \$900.00 arrears for July 2014 and also failed to pay the \$900.00 rent owed for the month of August.

The landlord's claim was originally for rents owed for July, August and September 2014 plus the tenant's \$450.00 security deposit for totaling \$3,200.00.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

Given that the tenant vacated in August 2014, I find that the landlord has established entitlement to total monetary compensation of \$1,850.00, comprised of \$1,800.00 for two months rent and the \$50.00 cost of the application.

I order that the landlord retain the tenant's security deposit of \$450.00 in partial satisfaction of the claim, leaving a balance due of \$1,400.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$1,400.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

### **Conclusion**

The landlord is successful in the application and is granted a monetary order for rental arrears. The landlord's request for the order of possession was found to be moot, as the tenant vacated prior to the hearing.

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 22, 2014

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Residential Tenancy Branch

