



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

At the hearing, the parties agreed that the rental unit had been sold with the purchaser taking possession on October 1. As the landlord no longer has any right to possession, I consider the claim for an order of possession to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenant tried to pay rent in the months of August and September but the landlord refused the rent, pending the outcome of the sale of the property and the completion of this hearing. The parties further agreed that the tenant occupied the rental unit throughout that period.

The tenant asked that his \$750.00 security deposit be applied to the outstanding rent. The landlord was unable to confirm whether the security deposit had been transferred to the purchaser.

Analysis

As the parties agreed that the tenant occupied the rental unit in August and September and that the landlord did not receive rent for that period, I award the landlord \$3,000.00 which represents \$1,500.00 for each of those months. I also award the landlord \$50.00 which represents the filing fee paid to bring this application for a total award of \$3,000.00.

I decline to apply the security deposit to the outstanding rent as it is unclear whether the deposit is in the hands of the vendor or the purchaser. At the hearing, I encouraged the tenant to obtain from the purchaser a copy of the Statement of Adjustments. If that document does not reflect a transfer of the security deposit, the tenant should serve on the former landlord his address in writing and request the return of the deposit.

Conclusion

The landlord is awarded \$3,050.00 and I grant them a monetary order under section 67 for that sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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: October 22, 2014

Residential Tenancy Branch

