



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, OPR, MNR, FF

Introduction

This hearing dealt with applications by the landlord and by the tenant. The landlord applied for an order of possession and a monetary order. The tenant applied to cancel a one month Notice to End Tenancy for cause and a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear this was the hearing of her own application and although she was served with the landlord's Application for Dispute Resolution and Notice of Hearing. The landlord's agent testified that the tenant moved out of the rental unit shortly after September 23, 2014 and an order for possession is no longer required. Because the tenant failed to attend the hearing and has moved out of the rental unit, her application to cancel Notices to End Tenancy is dismissed as is the landlord's application for an order for possession

Issues

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

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on April 15, 2014. The rent is \$625.00 due in advance on the first day of each month. The tenant paid a security deposit of \$300.00 on April 7, 2014. The tenant did not pay rent for August when it was due. On August 9, 2014 the landlord personally served the tenant with a Notice to End Tenancy for non-payment of rent. The tenant did not pay rent for August or for September. She moved out after September 23, 2014.

Analysis and Conclusion

Monetary Order and Security Deposit – Since the landlords filed their application on August 18, 2014, rent for September became payable. The tenant was still resident in

the rental unit and aware that September rent was due. I therefore allow the landlord to amend the application to include a claim for September's rent. I find that the landlord has established a total monetary claim of \$1,250.00.00 for the outstanding rent for August and September. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,300.00. I order that the landlord retain the deposit and interest of \$300.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,000.00. This order may be filed in the Small Claims 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 15, 2014

Residential Tenancy Branch

