



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: CNR, MNR

### Introduction:

This was an application by a tenant to cancel a Notice to End the Tenancy dated September 11, 2014. The landlord cross applied for an Order for Possession and monetary Order pursuant to the same Notice. Both Parties attended the hearing. At the outset the parties informed me that the tenant had moved out of the unit and accordingly the remaining issue was whether there was any outstanding rent owed to the landlord.

Issues: Is the landlord entitled to a monetary Order?

### Background and Evidence:

The parties admitted service of their respective applications. The landlord testified that the month to month tenancy began on August 1, 2014 with rent in the amount of - \$ 700.00. The landlord received a security deposit amounting to \$ 350.00 on August 7, 2014. The landlord testified that the tenant did not pay any rent for October and that he had discovered that the tenant vacated the unit by October 11, 2014. The landlord was able to re-rent the unit for November and is therefore only making a claim for \$ 700.00. The landlord testified that he incurred cleaning and repair costs but had not made such a claim in this application.

The tenant provided evidence of and testified to several complaints he had regarding the landlord's conduct and in particular turning the heat off for one month. He admitted not paying any rent for October, not giving the landlord notice and moving out on October 11, 2014.

### Analysis:

The tenant failed to advance any lawful reason for not paying his rent for October, nor had he delivered proper notice to end the tenancy in accordance with the Act. The tenant may have claims for other relief pursuant to the Act however he has not properly

brought them here. Accordingly I find that the landlord has proven a claim for unpaid rent for October amounting to \$ 700.00.

Conclusion:

The landlord has proven a claim amounting to \$ 700.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 750.00. I order that the landlord retain the deposit and interest of \$ 350.00 and I grant the landlord an order under section 67 for the balance due of \$ 400.00. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and Order must be served on the tenant as soon as possible. I have dismissed the tenant's claims herein. I have dismissed the remainder of the landlord's claims but permit him to reapply to recover any cleaning and repair costs.

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: November 04, 2014

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Residential Tenancy Branch