



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, MNSD, OPR, FF

Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord attended the application. At the hearing the landlord's agent AL advised that the tenant had vacated the unit as of September 30, 2014 and therefore the landlord was no longer requesting an Order for Possession.

Issues:

Is the landlord entitled to Monetary Order?

Background and Evidence:

The landlord's agent AL testified that the one year fixed term tenancy began on February 1, 2014 with rent in the amount of \$ 965.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 482.50 on January 17, 2014. AL testified that she served the dispute resolution package sending it by registered mail on September 19, 2014. AL testified that the arrears claimed were \$ 965.00 for September. AL is also claiming for \$ 25.00 NSF charges as the tenant's direct deposit for September was rejected. The landlord is also requesting recovery of \$ 750.00 as a move in rent incentive that the tenant benefitted from pursuant to paragraph 16 and Schedule A of the tenancy agreement. AL advised that the landlord was abandoning the claim for liquidated damages. The total claim was \$ 1,740.00.

Analysis:

Based on the evidence of AL and with reference to Canada Post's web site I find that the tenant was personally served with application for Dispute Resolution on September 28, 2014 by registered mail. Based upon the unchallenged evidence of AL I find that

the landlord has established a claim for unpaid rent totalling \$ 965.00, NSF charge of \$ 25.00 and move in rent incentive of \$ 750.00. and the filing fee of \$ 50.00 for a total of \$ 1,790.00.

Conclusion:

I order that the landlord retain the deposit and interest of \$ 482.50 and I grant the landlord an order under section 67 for the balance due of **\$ 1,307.50**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed all other claims.

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

Residential Tenancy Branch

