



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

OPR, MNR, 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 August 24, 2014, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

The landlord originally made an application for a direct request proceeding. However, the matter was adjourned to be heard as a participatory hearing scheduled for today.

Although served with the Application for Dispute Resolution and Notice of participatory hearing in person on September 22, 2014, the tenant did not appear.

At the outset of the hearing, the landlord stated that the tenant had vacated the rental unit on October 10, 2014, so they are no longer seeking an Order of Possession. Then 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 \$800.00. The landlord testified that when the tenant failed to pay \$1,600.00 rent due on August 1, 2014, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant in person.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated August 24, 2014 with effective date of September 4, 2014, a copy of the tenancy agreement and copies of communications. The landlord testified that the tenant did not pay the \$1,600.00 arrears for August and also failed to pay the \$1,600.00 rent owed for

the month of September 2014 and the 10 days owed for October 2014. The total claim is for \$3,726.00.00 in rent plus the \$50.00 cost of the application.

Analysis

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

I find that the landlord has established a total monetary claim of \$3,776.00, comprised of rental arrears totaling \$3,726.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$800.00 in partial satisfaction of the claim leaving a balance due of \$2,926.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$2,926.00. 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 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: November 10, 2014

Residential Tenancy Branch

