



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This is the hearing of an application by the landlord for a monetary order and for an order for possession. The landlord's application was filed as a direct request proceeding, but it was directed to be reconvened as a participatory conference call hearing. The tenants were personally served with the Direct Request Application on September 26, 2014. Hearing letters, advising of the time and date for the participatory hearing, were sent to the parties. I was appointed to conduct the reconvened hearing. The landlord called in and participated in the conference call hearing. The tenants did not attend.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary award for unpaid rent and if so, in what amount?

Background and Evidence

The rental unit is a residence on the landlord's property in Coombs. The tenancy began on March 1, 2014. The monthly rent was \$850.00. The tenant paid a \$25.00 security deposit and a \$300.00 pet deposit on February 18, 2014.

The tenants did not pay the rent for September when it was due. On September 3rd, 2014 the landlord served the tenants with a 10 day Notice to End Tenancy for unpaid rent by posting the Notice to End Tenancy to the door of the rental unit. The tenants did not apply to dispute the Notice to End Tenancy and they did not pay rent for September within five days of receiving the Notice or at all. The landlord submitted his application for Direct Request and personally served the tenants with the application on September 26, 2014. The tenants moved out of the rental unit after they were served with the application.

The landlord testified that the tenants extensively damaged the rental unit and he has not been able to re-rent the unit since the tenant moved out, however, his claim in this application is limited to a claim for unpaid rent for September.

Analysis

The tenants failed to pay rent for September. They were served with a 10 day Notice to End Tenancy for unpaid rent. The tenants did not dispute the Notice. They did not pay the September rent and moved out after being served with the application for dispute resolution in this proceeding. The landlord no longer requires an order for possession and his application for an order for possession is dismissed without leave to reapply. I allow the landlord's claim for a monetary award in the amount of \$850.00 as claimed for September rent.

Conclusion

Pursuant to section 72 of the *Residential Tenancy Act*, I order that the landlord retain the security deposit of \$425.00 and the pet deposit of \$300.00 in partial satisfaction of the monetary award and I grant the landlord an order under section 67 for the balance of \$125.00. This order may be registered in the Small Claims Court and enforced as an order of that court. As this began as a direct request proceeding, I make no order with respect to the filing fee.

The landlord has leave to apply for a further monetary award for damages and loss of rental income.

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 14, 2014

Residential Tenancy Branch

