



# 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**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* mailed on October 22, 2014 and in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of registered mail service including the tracking information for the mail. The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord testified the tenant vacated November 30, 2014. As a result the landlord does not require an Order of Possession and this portion of the application is preliminarily dismissed.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The undisputed evidence in this matter is as follows. The tenancy began June 01, 2013. Rent in the amount of \$868.70 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$425.00, retained in trust. The tenant failed to pay rent in the month of October 2014 and on October 03, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent stating that as of October 01, 2014 the tenant owed a total of \$868.70. The tenant did not pay the rent and further failed to pay

rent in the month of November 2014. The substantive quantum of the landlord's monetary claim is for the unpaid rent for October and November 2014.

### **Analysis**

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has since vacated.

I find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the filing fee. The security deposit will be off-set from the resulting award made herein.

### ***Calculation for Monetary Order***

Rental Arrears for October and November 2014	\$1737.40
Filing fee for the cost of this application	50.00
<i>Less Security Deposit</i>	<i>-425.00</i>
<b>Total Monetary Award</b>	<b>\$1362.40</b>

### **Conclusion**

**I Order** that the landlord retain the deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$1362.40**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

*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: December 01, 2014

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Residential Tenancy Branch

