



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, OPR

Introduction

This is an application for an Order of Possession based on Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$2750.00, and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 17, 2014 however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with the notice of the hearing, and I proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the hearing the applicant stated that the tenant vacated the rental unit on November 2, 2014 and therefore he no longer requires an Order of Possession.

Therefore the issue before me today is whether or not the applicant is established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2014 with a monthly rent of \$850.00.
- On September 12, 2014 the tenant paid one half of the security deposit, \$225.00.
- The tenant failed to pay the October 2014 rent, and therefore on October 2, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice within the ten-day. However she subsequently vacated the rental unit on November 2, 2014.
- No further rent was ever paid.
- Therefore he is requesting a monetary order as follows:

October 2014 rent outstanding	\$850.00
November 2014 rent outstanding	\$850.00
Filing fee	\$50.00
Total	\$1750.00

Analysis

It is my finding that the landlord has shown that the rent for this rental unit was \$850.00 per month.

It is also my finding that the landlord has shown that the tenant failed to pay the October 2014 rent, and subsequently vacated the rental unit on November 2, 2014 pursuant to a 10 day Notice to End Tenancy.

It is my decision therefore the landlord does have the right to an Order for outstanding rent for both the months of October 2014 and November 2014, and for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlord's full reduced claim of \$1750.00 and have issued a Monetary Order in that amount.

I make no Order regarding the security deposit at this time, as the landlord has decided to file damages claim against the security deposit.

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

Residential Tenancy Branch

