



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gateway Property Management
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, 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. However, at the commencement of the hearing the landlord's agent MJ advised that the tenant moved out on December 31, 2014 and therefore the landlord was not requesting an Order for Possession. Only the landlord's agent attended the hearing.

Issues:

Is the landlord entitled to a Monetary Order?

Background and Evidence:

MJ testified that the tenancy began on May 1, 2013 with rent in the amount of \$ 810.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 405.00 on April 13, 2013. The landlord's landlord testified that she served the dispute resolution package by sending it by registered mail to the tenant. MJ testified that the arrears for December were \$ 810.00.

Analysis:

Based on the evidence of MJ and with reference to Canada Post's web site, I find that the application for Dispute Resolution was served on January 24, 2014 by registered mail. Based upon the undisputed evidence of MJ, I find that the landlord has established a claim for unpaid rent totalling \$ 810.00 and the filing fee of \$ 50.00 for a total claim of \$ 860.00.

Conclusion:

I order that the landlord retain the deposit and interest of \$ 405.00 and I grant the landlord an order under section 67 for the balance due of **\$ 455.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Order must be served on the tenant as soon as possible. I have dismissed all other claims in this application.

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: January 19, 2015

Residential Tenancy Branch

