



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT LIMITED PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order authorizing him to retain the security deposit. The tenant K.H. participated in the conference call hearing but the tenant J.M. did not. The landlord testified that he served J.M. with the application for dispute resolution and notice of hearing via registered mail sent on January 16. I determined that J.M. had been properly served with notice of the claim against her and the hearing proceeded in her absence.

At the hearing, the landlord advised that the tenants had vacated the rental unit and he withdrew his claim for an order of possession. The landlord withdrew his claim against K.H. The hearing proceeded to address the claim for a monetary order as against J.M. only.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in 2006 at which time the tenants paid a \$380.00 security deposit. At the time the tenancy ended, monthly rent was set at \$812.49. The tenants failed to pay rent in the month of January 2015. The landlord seeks to recover the rental arrears as well as the \$50.00 filing fee paid to bring his application.

Analysis

I accept the undisputed evidence of the landlord and I find that the tenants were obligated to pay \$812.49 for each month of their tenancy and that they failed to pay rent

in the month of January 2015. I find that the landlord is entitled to recover the arrears and I award him \$812.49. As the landlord has been successful in his claim I find he should recover the filing fee and I award him \$50.00 for a total award of \$862.49. I order the landlord to retain the \$380.00 security deposit and the \$12.49 in interest which has accrued to the date of this judgment and I grant him a monetary order under section 67 for the balance of \$470.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$470.00 which is enforceable against J.M. only. The landlord will retain 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: February 06, 2015

Residential Tenancy Branch

