



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CORNERSTONE PROPERTIES LTD
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated January 7, 2015, a monetary order for rent owed, loss of revenue and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing in person to an adult who was residing in the rental unit on January 22, 2015, the tenant did not appear.

At the outset of the hearing, the landlord stated that the tenant vacated the unit on February 3, 2015 and they are no longer seeking an Order of Possession. The landlord still seeks a monetary order for the rent and loss of revenue.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for rental arrears and losses?

Background and Evidence

The landlord testified that the tenancy began on June 1, 2013, at which time the tenant paid a security deposit of \$475.00. The landlord testified that when the tenant failed to pay \$950.00 rent due on January 1, 2015, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant by posting it on the door on January 7, 2015.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated January 7, 2015, a copy of the tenancy agreement and proof of service. The landlord testified that, after receiving the Notice the tenant did not pay the \$950.00 arrears for January 2015 and also failed to pay the \$950.00 rent due on February 1, 2015. The total claim is for \$1,900.00 plus the \$50.00 cost of the application.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice and remained living in the unit into the month of February 2015.

I find that the landlord has established a total monetary claim of \$1,950.00, comprised of rental arrears totaling \$1,900.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$475.00 in partial satisfaction of the claim leaving a balance due of \$1,475.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$1,475.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is granted a monetary order for rental arrears. The request for the order of possession was found to be moot, as the tenant vacated prior to the hearing.

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 10, 2015

Residential Tenancy Branch