



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This is an application by the landlord seeking an order of possession and rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated January 2, 2015.

The applicant landlord participated in the hearing. Despite being served with the Notice of Hearing package in person on January 13, 2014, the tenant did not appear and the hearing was therefore conducted in the tenant's absence.

At the outset of the hearing, the landlord advised that the tenant is in the process of vacating the unit. Therefore the portion of the application requesting the order of possession is moot and will not be heard.

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

Is the landlord entitled to compensation for rental arrears?

### **Background and Evidence**

The landlord testified that the tenancy began on November 15, 2014 and the rent of \$600.00 is due on the 15<sup>th</sup> of each month. A security deposit of \$300 is being held by the landlord.

The landlord testified that the tenant failed to pay the rent due on December 15, 2014 and the rent due on January 15, 2015 for total arrears of \$1,200.00 which is being claimed.

### **Analysis**

With respect to rent, section 26 of the Act states that rent must be paid when it is due under the tenancy agreement.

The landlord presented testimony that this tenant owes \$600.00 in unpaid rent for December 15<sup>th</sup> 2014 to January 14, 2015 and \$600.00 rent for January 15, 2015 to February 14, 2015 and I accept the landlord's undisputed evidence as presented.

Based on the evidence before me, I therefore find the landlord is entitled to total monetary compensation of \$1,250.00, comprised of \$1,200.00 for rental arrears and the \$50.00 cost of the application.

I order that the landlord retain the tenant's security deposit of \$300.00 in partial satisfaction of the claim, leaving \$950.00 still owed to the landlord.

I hereby grant the Landlord a monetary order for \$950.00. This order must be served on the Respondent and 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 rent owed. The landlord's request for an Order of Possession is moot as the tenant is already moving out.

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 02, 2015

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Residential Tenancy Branch

