



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 583230 BC Ltd. / Royal Lepage City Centre
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent (the "landlord") and tenant "KC" attended and gave affirmed testimony.

The landlord's online application was filed on March 16, 2015, and later amended on March 19, 2015. As the tenants vacated the unit sometime after the application was filed, I consider the application for an order of possession to be withdrawn.

Preliminary Matter(s)

Tenant "KC" testified that tenant "TB" vacated the unit quite some time ago and is not responsible for any compensation sought by the landlord. In the result, both parties agreed to amend the application by deleting "TB's" name.

During the hearing tenant "KC" provided her new / current address.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began August 01, 2011. Monthly rent of \$1,200.00 is due and payable in advance on the first day of each month, and a security deposit of \$600.00 was collected.

Arising from rent which remained unpaid when due on March 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 03, 2015. The notice was served by way of posting on the unit door on March 05, 2015. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is March 14, 2015. Subsequently, the tenants made payment of \$1,200.00 on March 18, 2015, and vacated the unit on April 01, 2015. During the hearing the parties agreed that the overall net amount currently still owing to the landlord is **\$1,530.00** (\$2,730.00 - \$1,200.00).

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated March 03, 2015. The tenants made limited payment on March 18 before vacating the unit on April 01, 2015. As noted above, the parties agree that the full amount of rent and all assessed fees (late payment of rent, for example), currently totals \$1,530.00. During the hearing the tenant consented to the landlord's withholding of the **\$600.00** security deposit as an offset to the funds owed, leaving a net total owing of **\$930.00** (\$1,530.00 - \$600.00).

As the landlord has succeeded with the main aspect of this application, I find that the landlord has also established entitlement to recovery of the **\$50.00** filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$980.00** (\$930.00 + \$50.00). This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: April 29, 2015

Residential Tenancy Branch

