



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Li-Car Management Group  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, O, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by 4 agents for the landlord.

The landlord provided documentary evidence to confirm the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on January 30, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed. The landlord testified they have confirmed with Canada Post tracking information that the tenant received the registered mail on February 2, 2015.

Based on the testimony and evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlords testified the tenant has vacated the rental unit and that they were made aware of this fact on or about February 6, 2015. As a result, the landlord no longer requires an order of possession. I amend the landlord's Application for Dispute Resolution to exclude the matter of possession.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on May 2, 2014 for a month to month tenancy beginning on May 1, 2014 for the monthly rent of \$625.00 due on the 1<sup>st</sup> of each month and a security deposit of \$312.50 was paid;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on January 5, 2015 with an effective vacancy date of January 15, 2015 due to \$625.00 in unpaid rent; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on December 2, 2014 with an effective vacancy date of December 15, 2015 due to \$625.00 in unpaid rent.

The landlord submits the tenant failed to pay the full rent owed for the month of December 2014 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent. The landlord also submits the tenant failed to pay rent for the month of January 2015 and a second 10 Day Notice to End Tenancy for Unpaid Rent was served on the tenant by posting it to the rental unit door on January 5, 2015 by posting it to the rental unit door.

The landlord testified that in total, the tenant failed to pay rent for the months December 2014 and January 2015. The landlord seeks compensation for unpaid rent for these two months and lost revenue for the month of February 2015.

### Analysis

I have reviewed all undisputed documentary evidence and testimony and accept that the tenant has failed to pay rent to the landlord for the months of December 2014 and January 2015 and that the landlord suffered a loss of revenue for the month of February 2015.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,925.00** comprised of \$1,875.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$312.50 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,612.50**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: August 11, 2015

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Residential Tenancy Branch

