



Dispute Resolution Services

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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 OPC, MNR, FF, MNSD

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the landlords' evidence and application for dispute resolution and notice of hearing by registered mail on July 31, 2015. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Preliminary Issue

The landlord advised that the tenants vacated the unit on August 12, 2015 without giving any notice and no longer requires an order of possession; accordingly I dismiss that portion of the landlords' application.

Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about June 1, 2014 and ended on August 12, 2015. Rent in the amount of 1125.45 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$649.00. The landlord advised that the tenants were consistently late in paying rent and that during the last few months they didn't pay at all. The landlord advised that as of today's hearing the amount of unpaid July and August rent along with parking and late fees as per their tenancy agreement is \$2139.32.

Analysis

The landlord submitted extensive documentation to support their claim including rent ledgers, tenancy agreement, and correspondence between the parties. In the absence of any disputing testimony or evidence by the tenant, I find that the landlord is entitled to a monetary order as claimed.

As for the monetary order, I find that the landlord has established a claim for \$2139.32. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$649.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1540.32. 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 \$1540.32. The landlord may 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: October 07, 2015

Residential Tenancy Branch

