



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The landlord's original application did not request retention of the security deposit but a verbal request to retain the security deposit was made at the hearing. I granted the landlord this amendment to the application pursuant to Rule 4.2 of the Rules of Procedure.

The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although she was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on October 30, 2015.

At the outset of the hearing, the landlord advised that the tenant had already vacated the rental unit and that an order of possession was no longer needed.

Issues

Is the party entitled to the requested orders?

Background and Evidence

This tenancy began on April 15, 2015. The rent is \$1900.00 due in advance on the first day of each month. The tenant paid a security deposit of \$950.00 at the start of the tenancy. On October 3, 2015 the landlord served the tenant with three 10 Day Notices to End Tenancy for non-payment of rent by posting them on the door to the rental unit. One notice was given for each month that rent had not been paid, namely, August, September and October. The landlord testified that the tenant vacated the rental unit having paid no rent for August, September and October.

Analysis

The landlord has made a monetary claim in the amount of \$5700.00 comprised of unpaid rent for the months of August, September and October.

Under the terms of the tenancy agreement the tenant was required to pay rent in the amount of \$1900.00 in advance on the first day of each month. According to the landlord's uncontested testimony and the documentation submitted by the landlord, I am satisfied that the tenant did not pay any rent for the months of August, September or October and that the landlord has established this monetary claim.

Conclusion

I find that the landlord has established a total monetary claim of \$5700.00. I order that the landlord retain the deposit and interest (\$0.00) of \$950.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4750.00. This order may be 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: December 02, 2015

Residential Tenancy Branch

