



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; FF

Introduction

This Hearing was originally scheduled to consider cross applications. The Landlord's Application for Dispute Resolution seeks an Order of Possession and Monetary Order for unpaid rent and to recover the cost of the filing fee from the Tenant. The Tenant also made an Application for Dispute Resolution seeking to cancel the Notice to End Tenancy for Unpaid Rent.

On January 15, 2016, the parties signed a mutual agreement to end the tenancy effective January 20, 2016. The electronic filing system indicates that on January 26, 2016, the Tenant phoned the Residential Tenancy Branch to cancel his Application for Dispute Resolution. The Information Officer reminded the Tenant that the Landlord's Application for Dispute Resolution is still open and will be proceeding.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents were hand delivered to the Tenant at the rental unit at the end of December, 2015.

I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

The Landlord stated that the tenant moved out of the rental unit "on January 22 or 23". Therefore, an Order of Possession is not required and this portion of the Landlord's Application is dismissed.

Issues to be Decided

- Is the Landlord entitled to a monetary award for unpaid rent for the months of December, 2015, and January, 2016?

Background and Evidence

Monthly rent was \$1,650.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$900.00.

The Landlord testified that the Tenant did not pay rent for the months of December, 2015, or January, 2016. He stated that the Tenant did not clean the rental unit at the end of the tenancy and left garbage at the rental property.

The Landlord asked to apply the security deposit towards his monetary award for unpaid rent.

Analysis

I accept that the Landlord' undisputed, affirmed testimony. I find that the Landlord is owed rent in the total amount of **\$3,300.00**.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award.

The Landlord has been successful in his Application and I find that he is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Unpaid rent	\$3,300.00
Recovery of the filing fee	\$50.00
Subtotal	\$3,350.00
Less security deposit	- \$900.00
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$2,450.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$2,450.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: February 10, 2016

Residential Tenancy Branch

