



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter was initially conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

The adjudicator conducting the Direct Request Proceeding found that there was insufficient evidence to proceed with the application in that format, and adjourned the matter to a teleconference hearing.

The landlord participated in the teleconference hearing, but the tenant did not. The landlord stated that he personally served the tenants with the interim decision and notice of hearing in the presence of a witness and a police officer. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenants.

The landlord stated that the tenants abandoned the rental unit on February 26, 2016. As the landlord no longer required an order of possession, I did not consider that portion of his application.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on October 1, 2015. Rent in the amount of \$1,900.00 was payable in advance on the first day of each month. At the outset of the tenancy the tenants paid the landlord a security deposit of \$950.00. The tenants failed to pay rent in the months of December 2015 and January 2016, and the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the

month of February 2016. The landlord stated that the tenants owe rent, prorated to February 26, 2016, in the amount of \$5,507.45. In support of his application, the landlord submitted a copy of the tenancy agreement; a copy of the notice to end tenancy for unpaid rent; a monetary order worksheet and testimony regarding his calculation of prorated rent; and his Direct Request application.

Analysis

Based on the landlord's undisputed evidence, I find that the tenants owe the landlord \$5,507.45 in unpaid rent and lost revenue.

Conclusion

I grant the landlord an order under section 67 for the amount due of \$5,507.45. The landlord may retain the security deposit as partial compensation of this amount and pursue the tenants for the balance owing. 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: March 24, 2016

Residential Tenancy Branch