



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MNR, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend although he was served with the application and Notice of Hearing by registered mail sent on February 18, 2016. At the hearing the landlord advised me that the tenant moved out of the rental unit yesterday and an order for possession is no longer required; accordingly the application for an order for possession is dismissed.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent and if so, in what amount?
Is the landlord entitled to retain the security deposit?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Surrey. The tenancy began on August 15, 2014. The monthly rent is \$450.00, payable on the first of each month. The landlord testified that the tenant has been repeatedly late paying rent. The landlord has given several Notices to End Tenancy, including a one month Notice to End Tenancy for cause. The tenant also signed a form of Mutual Agreement to End Tenancy whereby he agreed to move out of the rental unit on February 15, 2016.

The tenant did not move out until April 4, 2016 and he did not pay rent for March or for April. The landlord testified that the tenant has caused damage to the rental unit and left a mess behind that will need to be cleaned up before the unit can be re-rented.

Analysis

I accept the landlord's testimony that rent has not been paid for March. The landlord is entitled to a monetary award for unpaid rent for March. The landlord will also have leave to reapply for the cost of cleaning and repairs and future rental loss, once the amount of a further claim has been established. The landlord is entitled to recover the \$100.00 filing fee for his application, for a total award of \$550.00. I order that the landlord retain the security deposit in the amount of \$225.00 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$325.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

Conclusion

The application for an order for possession has been dismissed. The landlord has been granted a monetary order in the amount of \$325.00.

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: April 05, 2016

Residential Tenancy Branch