



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Only the landlord's agent attended this hearing. She gave sworn testimony that they had served the tenant with the Application for Dispute Resolution both personally and by registered mail. I find the tenant was legally served with the documents according to section 89 of the Act. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and/or 47 and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 25, 2016 for unpaid rent. The tenant vacated on June 30, 2016. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on April 1, 2016, rent was \$1300 a month and a security deposit of \$650 was paid. The landlord testified that the tenant paid no rent for May or June 2016 and has left some damage in the unit. No documentary evidence of damage was provided.

In evidence are two Notices to End Tenancy, proof of service and a Mutual Agreement to end Tenancy on June 30, 2016.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

The tenant has vacated so the landlord no longer requires an Order of Possession.

Monetary Order

The tenancy ended by mutual agreement on June 30, 2016. I find that there are rental arrears in the amount of \$2600 representing rental arrears for May and June 2016. The security deposit will be used to offset the amount owing. The agent said the tenant had been given two opportunities for inspection but had not attended. I find insufficient evidence of opportunities given for inspection.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application. The landlord is given leave to reapply to recover compensation for any damages.

Calculation of Monetary Award:

Rent arrears to June 30, 2016	2600.00
Filing fee	100.00
Less security deposit	-650.00
Total Monetary Order to Landlord	2050.00

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: July 20, 2016

Residential Tenancy Branch

