



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that she served the tenant with the application for dispute resolution and notice of hearing on June 30, 2016. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

At the outset of the hearing the landlord stated that the tenant moved out of the rental unit on July 5, 2016. I therefore dismissed the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on January 26, 2016. Rent in the amount of \$850.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$425.00. The tenant failed to pay rent in the months of May and June 2016 and on June 15, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant did not pay any of the outstanding rent. The landlord has claimed \$1,700.00 in unpaid rent.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on January 20, 2016, indicating a monthly rent of \$850.00 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on June 15, 2016, with an effective vacancy date of June 25, 2016, for failure to pay rent in the amount of \$1,700.00 that was due on June 1, 2016; and
- a copy of the Landlord's Application for Dispute Resolution, filed June 23, 2016.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy. I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the landlord has established a claim for \$1,700.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

The landlord is entitled to \$1,800.00. I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,375.00. 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: September 2, 2016

Residential Tenancy Branch

