



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR MNSD MNDC 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 they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on September 28, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on October 3, 2016, and I proceeded with the hearing in the absence of the tenant.

In the hearing the landlord stated that the tenant had vacated some time in the week before the hearing. I therefore did not address the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on February 1, 2014. Initially, the monthly rent was \$575.00. Beginning January 1, 2016, the rent increased to \$591.00, payable in advance on the first day of each month. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$287.50 and a pet deposit of \$100.00.

On September 15, 2016 the landlord personally served the tenant with a notice to end tenancy for non-payment of rent in the amount of \$767.35. The tenant did not pay the outstanding rent. The tenant further failed to pay rent in the months of October and November 2016.

Analysis

I have reviewed all evidence and I find that the landlord has established a claim for \$ in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

The landlord's monetary claim is successful.

The landlord is entitled to \$2,049.35. I order that the landlord retain the security and pet deposits of \$387.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,661.85. 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: December 15, 2016

Residential Tenancy Branch