



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing was convened in response to an Interim Decision setting this proceeding down for hearing for the application of the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* sent March 19, 2017 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

At the outset of the hearing the landlord advised that the tenant had vacated on April 09, 2017 and therefore an order of Possession is not required. The landlord was given full opportunity to be heard, to present evidence and to make submissions in respect to the balance of their claim.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on April 15, 2015 and has ended. Rent in the amount of \$900.00 was payable each month, however it is not stipulated in the tenancy agreement when due. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$425.00 which they hold in trust. The tenant failed to pay all rent since January 2016 and progressively the rent remained in arrears for 15 months. On March 02, 2017 the landlord served the tenant with a notice to end tenancy for non-payment of rent claiming the tenant owed \$3096.00. On March 06, 2017 the tenant paid \$350.00 toward arrears which the landlord accepted and issuing a receipt 'for use

and occupancy only' and not reinstating the tenancy. The tenant failed to pay additional rent until they vacated on April 09, 2017.

Analysis

Based on the landlord's evidence I find the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice is valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice.

I accept the landlord's evidence in respect to the progression of rent arrears. I further accept the landlord's ledger as evidence the parties' agreement was that rent was due on the first of every month. I find that the landlord has established a monetary claim for unpaid rent. The security deposit will be off-set from the award made herein. The calculation for Monetary Order is as follows.

Rental Arrears to March 06, 2017	\$2746.00
Rent due to April 09, 2017	900.00
Less Security Deposit	-425.00
Total Monetary Award to landlord	\$3221.00

I Order that the landlord retain the deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$3221.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application in relevant part is granted.

This Decision is final and binding.

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 19, 2017

Residential Tenancy Branch