



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNDC, MNR, MNSD, OPR, FF

### Introduction:

This was an application by the landlord for an Order for Possession and a Monetary Order pursuant to a Notice to End the Tenancy for Non-payment of Rent dated April 17, 2017. Only the landlord attended the application.

### Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

### Service of Documents:

The landlord testified that she served the dispute resolution package by sending it to the tenant by registered mail on April 13, 2017 and discovered that the tenant had abandoned the unit on April 18, 2017. Canada Post's web site indicated that a Notice to pick up registered mail was left at the tenant's address on April 18, 2017. The landlord testified that the tenant had emptied her mail box before vacating the unit. Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with the application for Dispute Resolution on April 18, 2017 by registered mail.

### Background and Evidence:

The landlord testified that the tenancy began on December 16, 2013 with rent in the amount of \$ 1,540.00 due in advance on the first day of each month. The tenant paid a security and pet deposit of \$ 750.00 totalling \$ 1,500.00 on December 16, 2013. The landlord testified that the arrears for April were \$ 1,540.00 and that the tenant caused damage to the plumbing costing \$ 421.67, to repair, the counter top costing \$ 1,259.49, and damaged the sink costing \$ 144.48 to replace, for a total claim of \$ 3,365.64.

Analysis:

Based on the above facts I find that the landlord is no longer in need of an order for possession as the tenant has moved out, and have dismissed that claim. I find that the landlord has established a claim for unpaid rent totalling \$ 3,365.64 and the filing fee of \$100.00 however as the landlord has only specified \$ 1,961.67 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee.

Conclusion:

I have dismissed the landlord's application for an Order for Possession. I order that the landlord retain the deposits and interest of \$ 1,500.00 and I grant the landlord an order under section 67 for the balance due of **\$ 461.67**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and Order must be served on the tenant as soon as possible. I have dismissed with leave to reapply the balance of the landlord's applications.

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: May 08, 2017

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Residential Tenancy Branch