



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 authorized representative attended the hearing and gave sworn testimony. The tenant did not attend, although I left the teleconference hearing connection open until 1:12 p.m. in order to enable the tenant to call into this teleconference hearing scheduled for 1:00 p.m. on June 7, 2018. The landlord's representative (hereinafter called the landlord) attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord said they served the 10 Day Notice to End Tenancy dated March 2, 2018 to be effective March 17, 2018 by registered mail and served the Application for Dispute Resolution by registered mail. In a prior application by the tenant, they were awarded an Order of Possession. The tenant vacated on May 9, 2018 so they no longer require an Order of Possession. I find the documents were legally served pursuant to sections 88 and 89 of the Act for the purposes of this hearing.

The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67 for unpaid rent;
- b) An Order of Possession pursuant to sections 46 and 55;
- c) To retain the security deposit to offset the amount owing; and
- d) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

The landlord no longer requires an Order of Possession. Are they entitled to a monetary order for rental arrears and to recover the filing fee for this application?

Background and Evidence:

The landlord testified the tenancy commenced November 15, 2017, rent was \$1000 a month and a security deposit of \$500 was paid. The tenant vacated May 9, 2018 pursuant to an Order of Possession awarded in a previous hearing. The landlord

requests a monetary order for rent arrears and over holding rent of \$1000 for March and April, 2018 and prorated rent for May to May 15, 2018 (\$500).

In evidence are documents and an amendment supporting service, the amount of rent claimed and authorization for the landlord's agent. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

Monetary Order:

The onus is on the applicant to prove on a balance of probabilities their claim. I find the tenant did not dispute that he owes rent for March, April and May 2018 and the landlord provided documents to prove the claim. I find the landlord entitled to a monetary order for \$2500 for outstanding rent. I find the landlord may retain the security deposit of \$400 to offset the amount owing.

Conclusion:

I find the landlord entitled to a monetary order as calculated below. The calculation includes an award of the filing fee and retention of the security deposit to offset the amount owing.

Calculation of Monetary Award:

Unpaid rent (March, April (2x\$1000), May \$500	2500.00
Filing fee	100.00
Less security deposit (no interest 2012-17)	-500.00
Total Monetary Order	2100.00

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: June 07, 2018

Residential Tenancy Branch