



# Dispute Resolution Services

Page: 1

## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding CALEDONIA REALTY LTD  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes OPRM-DR, FFL

#### Introduction

This hearing, adjourned from a Direct Request proceeding, dealt with the landlord's application pursuant to the Residential Tenancy Act (the "Act") for:

- An order of possession pursuant to section 55;
- A monetary order for unpaid rent and damages pursuant to section 67; and
- Authorization to recover the filing fee for this application pursuant to section 72.

The corporate landlord was represented by its agent (the "landlord") who was given a full opportunity to be heard, present evidence, make submissions and call witnesses. The tenant did not attend this hearing which lasted approximately 10 minutes. The phone line was left open for the duration of the hearing and the notice of reconvened hearing was confirmed to provide the correct hearing information.

The landlord testified that they served the notice of reconvened hearing on the tenant by registered mail sent on or about June 18, 2018. The landlord provided a Canada Post tracking number as evidence of service. Based on the undisputed evidence I find that the tenant was deemed served with the materials in accordance with sections 88, 89 and 90 of the Act on June 23, 2018, five days after mailing.

At the outset of the hearing the landlord testified that the tenant has moved out of the rental unit and withdrew the portion of their application requesting an order of possession.

#### Issue(s) to be Decided

Is the landlord entitled to a monetary award as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

#### Background and Evidence

The landlord provided undisputed evidence regarding the following facts. This periodic tenancy began January 1, 2018. The monthly rent was \$895.00 payable on the first of each month. A security deposit of \$300.00 was paid and is still held by the landlord.

The landlord testified that the arrears for this tenancy as at the date of the hearing, August 14, 2018 is \$3,224.50. The landlord submitted into written evidence a copy of the tenant ledger showing the rent owing and paid during the relevant portion of this tenancy.

#### Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$895.00. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$3,224.50. I issue a monetary award in the landlord's favour for unpaid rent of \$3,224.50 as at August 14, 2018, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain the tenant's \$300.00 security deposit in partial satisfaction of the monetary award issued in the landlord's favour.

#### Conclusion

I issue a monetary order in the landlord's favour in the amount of \$3,024.50, which allows the landlord to recover unpaid rent for this tenancy and the filing fee for their application less the security deposit.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial 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: August 14, 2018

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Residential Tenancy Branch