



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

For the Landlord: OPR, MNRL, FFL

For the Tenant: CNR, RPP, MNDCT

### Introduction

On May 16, 2022 the Tenant applied for dispute resolution for an order cancelling the 10-Day Notice to End Tenancy Issued for Unpaid Rent or Utilities (the “10-Day Notice”) issued by the Landlord on May 11, 2022. They also applied for a return of their personal property, and compensation for monetary loss or other money owed.

On May 24, 2022, the Landlord applied for an order of possession of the rental unit, and a monetary order for rent not paid, and the Application filing fee reimbursement. The Landlord’s Application was joined to that of the Tenant already in place.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 26, 2022. The Landlord attended the telephone conference call hearing; the Tenant did not attend.

The Tenant’s Application of December 16, 2021 was the first filed in the matter of this tenancy. The Tenant did not attend the hearing, although I left the teleconference hearing open until 11:16am to enable them to call in to this teleconference hearing scheduled for 11:00am. I confirmed the correct call-in numbers and participant codes were provided in the Notice of Hearing generated when the Tenant applied. I also confirmed throughout the duration of the call that the Tenant was not in attendance. Additionally, the Landlord provided the Tenant moved out, and the tenancy had already ended.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the

absence of that party or dismiss the application without leave to reapply. On this basis, I dismiss the Tenant's application for cancellation of the May 11, 2022 10-Day Notice, as well as the return of their property and compensation. This is without leave to reapply on these issues.

The Landlord in the hearing advised the tenancy previously ended. The Tenant moved out from the rental unit on July 3, 2022, as provided by the Landlord in the hearing.

Because the tenancy ended, I dismiss the Landlord's Application for an Order of Possession; however, the remainder of their Application for compensation remains and I consider that issue below.

The Landlord provided testimony of the following rent amounts owing by the Tenant:

<b>Rent due date</b>	<b>Rent amount</b>	<b>Amount paid</b>	<b>Outstanding</b>
May 1, 2022	\$1,800.00	\$0	\$1,800.00
June 1, 2022	\$1,800.00	\$0	\$1,800.00
July 1, 2022	\$1,800.00	\$0	\$1,800.00
<b>TOTAL:</b>			<b>\$5,400.00</b>

The Tenant vacated the rental unit on July 3, 2022. I find as fact, based on the Landlord's testimony, that the Tenant departed without proper notice of ending the tenancy to the Landlord, violating s. 45. I grant the Landlord a monetary award for rent amounts owing, for unpaid rent to July 31, 2022.

The *Act* s. 72(2) gives an arbitrator the authority to make a deduction from the security deposit held by the Landlord. The Landlord has established a claim of \$5,400.00. After setting off the remainder of the security deposit held by the Landlord – the amount of \$900 -- there is a balance of \$4,500.00. I am authorizing the Landlord to keep the security deposit amount and award the balance of \$4,500.00 as compensation for the May, June and July 2022 rent amounts.

Because the Landlord was successful on this Application, I grant reimbursement of the Application filing fee.

Conclusion

In the absence of the Tenant, I dismiss their application in its entirety and without leave to re-apply.

Pursuant to s. 67 of the *Act*, I grant the Landlord a Monetary Order for the recovery of the amounts claimed. This amount is \$4,600.00, including reimbursement of their Application filing fee. The Landlord must serve the Monetary Order on the Tenant. If necessary, the Monetary Order may be filed in and enforced as an Order of the Provincial Court of British Columbia (Small Claims).

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 26, 2022

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Residential Tenancy Branch