



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Chilliwack Kiwanis Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR; OPB; MNR; MNSD; FF; O

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of its monetary claim; to recover the cost of the filing fee from the Tenant; and other relief.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenants, via registered mail, to the rental unit on April 26, 2013. The Landlord provided the receipt and tracking numbers in evidence. The Landlord's agent testified that the documents were returned unclaimed.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Failure to accept service does not change the service provisions of Section 89 of the Act. The Hearing proceeded in the Tenant's absence.

### **Preliminary Matters**

The Landlord's Application for Dispute Resolution indicates that it is seeking "other" relief; however, the Landlord did not provide sufficient details in the Application with respect to what other relief it is seeking. When a party seeks "other" relief, the Application for Dispute Resolution requires the Applicant to provide details in the "Details of Dispute Resolution" section. No details were provided. Therefore this portion of the Landlord's application is dismissed.

At the outset of the Hearing, the Landlord's agent stated that the Tenant has moved out of the rental unit and therefore he withdrew the Landlord's application for an Order of Possession.

**Issue to be Decided**

- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

**Background and Evidence**

The Landlord's agent gave the following testimony and evidence:

The rental unit is subsidized. Monthly rent is \$486.00, after the subsidy is applied. Rent is due the first day of each month. The Tenant paid a security deposit in the amount of \$400.00 in August, 2004.

The Tenant did not pay any rent for the month of April, 2013. The Landlord issued a Notice to End Tenancy on April 12, 2013, and served the Tenant by leaving the Notice in her mail slot on April 12, 2013. After issuing the Notice, the Tenant's rent cheque for March, 2013, was returned to the Landlord NSF. The Landlord seeks a monetary award for unpaid rent for the months of March and April as well as loss of revenue for the month of May, in the total amount of **\$1,458.00**.

**Analysis**

I accept the undisputed affirmed testimony of the Landlord's agent. I find that the Landlord's agent has established a monetary claim for unpaid rent and loss of revenue in the total amount of **\$1,458.00**.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary claim. Interest has accrued on the security deposit in the amount of **\$14.17**.

The Landlord has been successful in its application and is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

The Landlord's agent has established a monetary claim as follows:

Unpaid rent and loss of revenue	\$1,458.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,508.00
Less security deposit and accrued interest	<u>- \$414.17</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b>	<b>\$1,093.83</b>

**Conclusion**

I hereby provide the Landlord a Monetary Order in the amount of **\$1,093.83** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: May 23, 2013

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Residential Tenancy Branch

