



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Seascope Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPC, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on July 12, 2013 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5th day after it was mailed.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord testified the tenant had vacated the rental unit on July 31, 2013 and as such no longer requires an order of possession. I amend the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

Background and Evidence

The landlord testified the tenancy began on January 1, 2008 as a month to month tenancy for the current monthly rent of \$1,100.00 due on the 1st of each month with a security deposit of \$442.50 paid.

The landlord submitted documentary evidence that the tenant failed to pay rent for the month of July 2013 and that a 10 Day Notice to End Tenancy for Unpaid Rent was issued on July 3, 2013 at 4:15 p.m. by posting on the rental unit door and that this service was witnessed by a third party. The landlord confirmed the tenant has not, to this date paid any rent for July 2013.

Analysis

Based on the undisputed testimony I find the landlord has established the tenant failed to pay rent for the month of July 2013 in the amount of \$1,100.00.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,150.00** comprised of \$1,100.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$449.14 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$700.86**.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 15, 2013

Residential Tenancy Branch