



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

On June 7, 2016 the Landlord gave the application for dispute resolution and notice of hearing to the Tenant’s mother who was standing beside the Tenant at the time as the Tenant did not wish to take the documents. Given this undisputed evidence I find that the Tenant was sufficiently served for the purposes of the Act in accordance with Section 71(2)(c) of the Act.

The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. The Landlord confirms that the Tenant has moved out of the unit and that the Landlord no longer requires an order of possession.

Issue(s) to be Decided

Is the Landlord entitled to unpaid rent?

Background and Evidence

The tenancy started on December 16, 2015 and ended on June 19, 2016. Rent of \$1,500.00 was payable monthly on the first day of each month. At the outset of the

tenancy the Landlord collected \$750.00 as a security deposit. The Tenant failed to pay rent for May and June 2016 and the Landlord agreed with the Tenant to claim only \$750.00 for June 2016. The Landlord claims a total of \$2,350.00.

Analysis

Section 26 of the Act provides that a tenant must pay the rent when and as provided under the tenancy agreement. Based on the Landlord's undisputed evidence of unpaid rent I find that the Landlord is entitled to the claimed amount of **\$2,250.00**. Deducting the security deposit plus zero interest of **\$750.00** leaves **\$1,500.00** owed by the Tenant to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$750.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$1,500.00**. If necessary, this order may be filed in the Small Claims 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: July 11, 2016

Residential Tenancy Branch