



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on May 20, 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent and a request for a monetary order in the amount of \$5,850.00. The applicant is also requesting an order that the respondent bear the cost of the filing fee paid for this hearing.

Decision & reasons

The landlord(s) had applied for an order of possession however at the time of the hearing the tenant had already vacated and the landlord had possession of the rental unit and therefore an order of possession is no longer needed. However rent in the amount of \$5800.00 is still outstanding at the end of the tenancy.



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I therefore Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit plus interest (\$ 728.51) towards the outstanding rent.

I further Order pursuant to Section 67 that the respondent(s) pay to the applicant(s) the sum of:

Remaining Outstanding rent	\$5,071.49
Total	\$5171.49

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: June 25, 2009.

Dispute Resolution Officer

(Note: this decision was produced with the use of voice recognition software)