



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNR, MNSD, OPR, FF

### 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 registered mail that was mailed on December 31, 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 nonpayment rent and nonpayment of utilities, a request for that outstanding rent and utilities, and a request to retain the full security deposit plus interest towards the claim. The applicant is also requesting that the respondent bear the \$50.00 cost of the filing fee that was paid for this dispute resolution hearing

### Decision and 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



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amount of \$600.00 is still outstanding for the month of December 2009, and the tenant has an outstanding utility bill totaling \$529.30, for a total of \$1129.30.

I therefore Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit (\$600.00) towards the outstanding rent.

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

Outstanding utilities	\$529.30
Total	\$579.30

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: January 28, 2010.

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Dispute Resolution Officer