



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

Although served with the Application for Dispute Resolution and Notice of Hearing on November 13, 2010, the Tenants did not appear.

I note that the rental unit was vacated by the Tenants and the Landlord is no longer requesting an order of possession.

Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlord to an order for monetary relief?

Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent on November 2, 2010.

Subsequent to the issuance of the Notice, the Tenants paid the full amount of unpaid rent and vacated the rental unit.

The Landlord now seeks a monetary claim allowing him to deduct the filing fee of \$50.00 from the security deposit of the Tenants.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

Although the Landlord is entitled to an order of possession in these circumstances, the Tenants have vacated the rental unit and therefore, an order of possession is no longer required.

I find that the Landlord is no longer seeking unpaid rent, but that he has established a monetary claim of \$50.00 for the filing fee.

Therefore, under section 67 of the Act, I allow the Landlord to retain \$50.00 from the security deposit in satisfaction of the claim.

Conclusion

The Landlord is allowed to keep \$50.00 from the security deposit of the Tenants in satisfaction of the claim.

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: December 07, 2010.

Dispute Resolution Officer