



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 registered mail that was mailed on June 3, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$910.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay any rent for the month of April 2011, and therefore a Notice to End Tenancy was issued on May 12, 2011.

- The tenant did not comply with that notice and therefore they applied for an Order of Possession and a monetary order.
- After applying for the order the tenant subsequently vacated the rental unit, and they were able to regain possession of the unit on June 22, 2011 and therefore they no longer need of Order of Possession.
- The full rent of \$890.00 is still outstanding for April 2011.

The applicants are therefore requesting a monetary order as follows:

April 2011 rent outstanding	\$890.00
April 2011 late fee	\$20.00
Filing fee	\$50.00
Total	\$960.00

The applicants further request an order allowing them to keep the full security deposit of \$445.00 towards this claim and request that a monetary order be issued for the difference.

Analysis

The applicants have withdrawn their request for an Order of Possession as they now have possession of the rental unit.

I will allow their claim for the outstanding rent and late fees, as the tenant lived in the rental unit for the full month of April 2011 without paying any rent.

I further order recovery of the filing fee.

Conclusion

I have allowed the landlords full claim of \$960.00 and I therefore order that the landlords may retain the full security deposit of \$445.00 and I have issued a monetary order in the amount of \$515.00.

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 23, 2011.

Residential Tenancy Branch