



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 written arguments have been submitted prior to the hearing. I have reviewed those arguments.

I also gave the applicant's agent the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on June 27, 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 a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1605.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay rent for the months of May 2011, and June 2011 and therefore was served with a 10 day Notice to End Tenancy.
- The tenant did not vacate the rental unit in the 10 day period and therefore they applied for an Order of Possession.

- The tenant has subsequently vacated the rental unit and therefore an Order of Possession is no longer required.
- There is however still rent outstanding and therefore they are requesting a monetary order as follows:

| | |
|----------------------------|-----------|
| May 2011 rent outstanding | \$790.00 |
| June 2011 rent outstanding | \$790.00 |
| May 2011 Late fee | \$25.00 |
| Filing fee | \$50.00 |
| Total | \$1655.00 |

The applicant further requests an order allowing them to keep the full security deposit towards the claim and requests a monetary order be issued for the balance.

Analysis

The applicant has withdrawn a request for an Order of Possession, as they already have possession of the rental unit.

It is my finding that the landlords have shown that the rent is outstanding for the months of May 2011 and June 2011 and therefore I allow the claim for that outstanding rent.

I also allow the claim for the late fee for the month of May 2011, as the tenancy agreement stipulates that late fee must be paid.

I also order recovery of the filing fee.

Conclusion

I allow the full claim of \$1655.00 and therefore order that the landlords may retain the full security deposit of \$395.00 and I have issued a monetary order in the amount of \$1260.00.

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: July 13, 2011.

Residential Tenancy Branch