



# 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 personal service on June 19, 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 possession based on Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$2160.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit as partial satisfaction of the claim.

### Background and Evidence

The applicant testified that:

- The tenant had fallen behind in the rent and therefore on May 26, 2011 the tenant was served with the Notice to End Tenancy.

- The tenant failed to comply with the Notice to End Tenancy and therefore on June 17, 2011 they applied for dispute resolution.
- The tenant has subsequently vacated the rental unit and they now have possession and therefore they withdraw their request for an Order of Possession.
- The tenant has however failed to pay the outstanding rent and therefore they are still requesting an order as follows:

April 2011 rent outstanding	\$720.00
May 2011 rent outstanding	\$720.00
June 2011 rent outstanding	\$720.00
Filing fee	\$50.00
Total	\$2210.00

The applicants further request an order allowing them to keep the full security deposit of \$350.00 towards the claim, and request that a monetary order be issued for the balance of \$1860.00.

### Analysis

The applicants have withdrawn their request for an Order of Possession, however the applicants have established their claim for outstanding rent for the months of April 2011, May 2011, and June 2011.

The tenant paid no rent for those three months and since rent is \$720.00 per month, the tenant had outstanding rent totalling \$2160.00 at the time that the application was filed. No rent has been paid since the application was filed.

I therefore allow the landlords full claim of \$2210.00 which includes recovery of the filing fee.

Conclusion

I have allowed the full claim of \$2210.00 and I therefore order that the landlord may retain the full security deposit \$350.00 and have issued a monetary order in the amount of \$1860.00.

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 14, 2011.

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Residential Tenancy Branch