



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNDC, MNSD, FF

Introduction

A substantial amount of 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 July 20, 2011, but did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing.

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 cause, a request for a monetary order for \$2690.00, a request for recovery of the filing fee of \$50.00, and a request to retain the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- She no longer needs an Order of Possession because the tenant vacated the rental unit and return possession to her on August 7, 2011.

- The tenant still owes \$750.00 rent for the month of July 2011, and still owes the full August 2011 rent of \$1500.00.
- She is therefore requesting an order for the reduced amount of \$2250.00 plus the filing fee of \$50.00 for a total of \$2300.00.

Analysis

It is my decision that the landlord has established the full reduced amount claimed.

Rent is \$1500.00 per month however the tenant only paid \$750.00 of the July 2011 rent and therefore still owes \$750.00.

Further since the tenant did not vacate the rental unit until August 7, 2011, and since the landlord has, as yet, been unable to re-rent the unit, it is my decision that the tenant is liable for the full August 2011 rent of \$1500.00.

I also allow the landlords claim for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$2300.00, and therefore the landlord may retain the full security deposit of \$750.00 plus interest of \$2.37, and I have issued a monetary order in the amount of \$1547.63.

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: August 18, 2011.

Residential Tenancy Branch