



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### **Issue(s) to be Decided**

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

## **Background and Findings**

### **Order of Possession**

The landlord testified that the tenants vacated the rental unit in accordance with the Notice. The Order of Possession is therefore no longer required.

Based on the undisputed evidence of the parties I find that there are rental arrears for the month of August 2011 in the sum of \$1,300.00. As the landlord re-rented the rental unit effective September 1, 2011 his claim for September's rent has been withdrawn will award the landlord a monetary order for rental arrears in the sum of \$1,300.00 for August alone.

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Because the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application.

### ***Calculation of total Monetary Award***

Rental Arrears	\$1,300.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest from February 15, 2011 (no interest accrued)	-650.00
Total Monetary Award	\$700.00

## **Conclusion**

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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: September 21, 2011.

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Residential Tenancy Branch