



# 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 be allowed to retain the security deposit; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenants were properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package both served by way of personal service.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

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 gave evidence that the tenants have now vacated the rental unit. The Order of Possession is therefore no longer required.

### **Monetary Order**

#### ***Rental Arrears***

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$2,500.00 representing unpaid rent for August and September 2011.

The landlord remains at liberty to reapply for a further monetary award for damages or compensation for loss of income.

#### ***Filing Fees***

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

### **Security Deposit**

Having made a monetary award in favour of the landlord I will allow the landlord to retain the security deposit in partial satisfaction of the monetary Order made

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

Rental Arrears August and September 2011	\$2,500.00
Filing Fees for the cost of this application	50.00
Less security deposit paid March 4, 2011 (no interest accrued)	-625.00
Balance due and owing by tenants to the landlord	\$1,925.00

## **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*.

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