



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, MNSD, OPR

### Introduction

A substantial amount of documentary evidence, photo 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 applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on January 5, 2012, however the respondent(s) 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 a monetary order for \$1750.00 and a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent. The applicant is also requesting recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenants have vacated the rental unit and therefore they withdraw their request for an Order of Possession, as they already have possession of the unit.

- The tenants do however it still owe rent of \$700.00 for the month of December 2011, and \$350.00 for the month of January 2012, for a total of \$1050.00.
- The tenancy agreement signed by the tenants also has a liquidated damages clause in which the tenants agreed to pay \$750.00 or the equivalent of one month's rent to cover possible lost rental revenue due to breaching the tenancy agreement.

The applicants are therefore requesting a monetary order as follows:

|                                    |           |
|------------------------------------|-----------|
| Rent outstanding for December 2011 | \$700.00  |
| Rent outstanding for January 2012  | \$350.00  |
| Liquidated damages                 | \$700.00  |
| Filing fee                         | \$50.00   |
| Total                              | \$1800.00 |

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

### Analysis

It is my finding that the landlords have shown that the tenants have a total of \$1050.00 in rent outstanding and therefore I allow that portion of the monetary claim.

I reviewed the tenancy agreement and the tenants have agreed to pay as liquidated damages the greater of \$750.00 or the equivalent of one month's rent and therefore I allow the landlords claim for \$700.00.

I also allow recovery of the filing fee.

Conclusion

I have allowed the landlords full claim of \$1800.00 and I therefore order that the landlords may retain the full security deposit of \$350.00 and have issued a monetary order in the amount of \$1450.00.

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: January 25, 2012.

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Residential Tenancy Branch