



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, OPR, FF, MNR

Introduction

Some documentary evidence and written arguments have 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 female respondent came on the line however she refused to participate claiming that her son was about to go into surgery and she wanted to spend time with him. I proceeded with the hearing anyway, as the respondent supplied no evidence in support of her claim that her son was about to go into surgery.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order in the amount of \$1555.00, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an order to keep the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- He no longer requires an Order of Possession because the tenants vacated on July 31, 2012 and he now has possession of the rental unit.
- The tenants did not pay the full July 2012 rent, and there is still \$1000.00 outstanding. He is therefore requesting an order for that outstanding rent.
- The remaining \$555.00 of the claim is for damages, however he has supplied no invoices for these damages because at the time he applied he did not know in what condition the rental unit would be left.

Analysis

It is my finding that the landlord has shown that there is \$1000.00 in outstanding rent for the month of July 2012 and therefore I allow the landlords claim for that outstanding rent.

I am not willing to issue any order for damages at this time, because the applicant has supplied no evidence in support of this claim.

I will order recovery of the \$50.00 filing fee.

Conclusion

I have allowed \$1050.00 of the applicants claim and I therefore order that the applicant may retain the full security deposit of \$625.00 and have issued a monetary order in the amount of \$425.00.

The applicants claim for damages is dismissed with leave to reapply.

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 20, 2012.

Residential Tenancy Branch