



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 applications filed by both the tenants and the landlord pursuant to the *Residential Tenancy Act*.

The tenants seek Orders as follows:

1. An Order to cancel a Notice to End Tenancy given for unpaid rent; and
2. Recovery of the filing fee paid for this application.

The landlord seeks:

1. A monetary order for unpaid rent;
2. An Order to be allowed to retain the security deposit;
3. An Order of Possession; and
4. Recovery of the filing fee paid for this application.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of personal service on January 14, 2013.

I accept the landlord's evidence that the tenant was properly served with the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of personal service on January 30, 2013.

The tenants did not appear. Their Application is therefore dismissed.

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 submitted that the tenant's vacated the property on February 2, 2013 and an Order of Possession is no longer required.

Monetary Order***Rental Arrears***

Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears. I find the landlord is entitled to recovery of those arrears. I will award the landlord a monetary order for rental arrears in the sum of \$2,600.00 as claimed for unpaid rent for December 2013 and January 2013.

The landlord remains at liberty to apply for loss of revenue for February 2013 or other damages as he may see fit.

Filing Fees

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

Security Deposit

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

Calculation of total Monetary Award

Rental Arrears	\$2,600.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-650.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$2,000.00

Conclusion

The landlord is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any 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: February 13, 2013

Residential Tenancy Branch

