



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, MNSD, FF

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 on January 18, 2013; 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 an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$3550.00, and request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- This tenancy began on December 15, 2012 with a monthly rent of \$850.00.
- The tenants paid a security deposit of \$425.00, and the pet deposit of \$75.00, for a total of \$500.00.
- The tenants failed to pay the January 2013 rent, and therefore on January 9, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date, the tenants have failed to comply with the notice, and have failed to pay any further rent.

- The tenants were only supposed to have one small dog in the rental unit however they have a large dog that they believe will cause damage and therefore they wish to retain the full security/pet deposit to cover those possible damages.
- The refrigerator from the rental unit also appears to be missing, and therefore they're asking for \$500.00 to replace the refrigerator.

The applicants are therefore requesting an Order of Possession for as soon as possible and a Monetary Order as follows:

January 2013 rent outstanding	\$850.00
February 2013 rent outstanding	\$850.00
Possible lost rental revenue for March 2013	\$850.00
Possible pet Damage (keep security/pet deposit)	\$500.00
Possible refrigerator replacement	\$500.00
Filing fee	\$50.00
Total	\$3600.00

Analysis

It is my finding that the applicants have shown that there is rent outstanding for the months of January 2013 and February 2013 totaling \$1700.00, and therefore I allow that portion of the claim.

It is also my finding that the tenants have been served with a valid 10 day Notice to End Tenancy, and have failed to comply with that notice, and I therefore allow the request for an Order of Possession.

I will not allow the claim for possible lost rental revenue for March 2013 at this time, as this claim is premature since we don't know whether the rental unit will be re-rented for the month of March 2013. The claim for possible lost rental revenue for March 2013 is therefore dismissed with leave to reapply.

It's also my finding that the claim for possible pet damage is also premature, because until the tenants vacate there's no way of knowing whether not they will leave pet damage. The request to retain the security deposit for pet damage is therefore also dismissed with leave to reapply.

It is also my finding that the claim for a possible missing refrigerator is also premature, however again I dismiss this portion of the claim with leave to reapply if the landlords find the refrigerator is missing at the end of the tenancy.

I will allow however the request for recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I have issued a monetary order in the amount of \$1750.00.

As stated above the remainder of the monetary claim 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: February 13, 2013

Residential Tenancy Branch

