



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

Some documentary 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 testified that the respondent was served with notice of the hearing by registered mail that was mailed on February 15, 2013, however the respondent 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 an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$5000.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant had fallen behind on the rent and therefore on January 30, 2013, a 10 day Notice to End Tenancy was slid through the tenant's entrance door, and subsequently another copy was sent by registered mail on February 1, 2013.
- The tenant did not comply with the Notice to End Tenancy and therefore on February 15, 2013 he applied for dispute resolution.
- The tenant subsequently vacated the rental unit on February 28, 2013, and therefore he no longer requires an Order of Possession as he has possession of the rental unit at this time.
- The tenant however still has a substantial amount of rent outstanding, and also failed to return a key fob for entry into the rental unit.

The applicant is therefore requesting a Monetary Order as follows:

November 2012 rent outstanding	\$50.00
December 2012 rent outstanding	\$1300.00
January 2012 rent outstanding	\$1300.00
February 2012 rent outstanding	\$1300.00
Missing key fob	\$75.00
Filing fee	\$50.00
Total	\$4075.00

Applicant further requests an order allowing them to keep the full security deposit of \$650.00 towards the claim and request that a Monetary Order be issued for the difference.

Analysis

I accept the landlord's testimony with regards to the amount of rent outstanding and I therefore allow that portion of the landlord's claim.

I also allow the landlords claim for the cost of replacing a missing key fob.

I also allow the request for recovery of the filing fee

Conclusion

I have allowed the landlord's full reduced claim of \$4075.00 and I therefore order that the landlord may retain the full security deposit of \$650.00 and I have issued a Monetary Order in the amount of \$3425.00.

As stated above, the landlord withdrew the request for an Order of Possession.

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: March 11, 2013

Residential Tenancy Branch

