



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

A substantial amount of 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 March 21, 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 outstanding rent, and a request to retain the full security deposit towards the claim. Applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2012 with the monthly rent of \$965.00 and a security deposit of \$482.50 was paid.
- A notice of rent increase was served on the tenant in September of 2012 that increased the rent to \$1006.00 as of January 1, 2013.
- The tenant failed to pay the full January 2013 rent, and at this time there is still \$46.00 outstanding for the month of January 2013.
- The tenant failed to pay any rent in the month of February 2013, and therefore on February 14, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice, and failed to pay any further rent, eventually vacating the rental unit on March 31, 2013.
- They now have possession of the rental unit and therefore they are no longer requesting an Order of Possession, however they are requesting an Order for the full outstanding rent plus the filing fee.

Analysis

It's my finding that the landlords have shown that the rent for this rental unit was legally increased to \$1006.00 for January 1, 2013.

I also find that the tenant lived in the rental unit until the end of March 2013.

It is also my finding that the landlord has shown that the tenant has failed to pay rent as follows:

January 2013 rent outstanding	\$46.00
February 2013 rent outstanding	\$1006.00

March 2013 rent outstanding	\$1006.00
Total	\$2058.00

It's my decision therefore that I will allow the full amount claimed by the landlords, including the \$50.00 filing fee for a total of \$2108.00.

Conclusion

The applicants have withdrawn the request for an Order of Possession.

I have allowed the full monetary claim of \$2108.00 and I therefore Order that the landlords may retain the full security deposit of \$482.50, and I have issued a Monetary Order in the amount of \$1625.50.

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: April 17, 2013

Residential Tenancy Branch