



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was sufficiently served on the Tenant by posting on April 5, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the Tenant resides on April 23, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on August 1, 2012. The rent is \$835 per month plus \$25 for parking per month payable on the first day of each month. The tenant(s) failed to pay the rent for the months of April and May and the sum of \$1720 remains owing. The tenant(s) vacated the rental unit some time in late April or early May.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit and the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of April and May and the sum of \$1720 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. In addition I determined the landlord is entitled to recover a \$50 bank charge as the tenant closed his account and failed to tell the landlord. I dismissed the claim for loss of rent for June as the landlord has re-rented the rental unit commencing June 1, 2013. The Application for Dispute Resolution claims "any money owed at the time of the hearing." I determined this is not sufficient certain to satisfy the rules of natural justice as it does not specify what claim is being made and for what amount. The landlord retains the right to file a claim for the cost of cleaning, damages and the cost of changing the locks. **I granted the landlord a monetary order in the sum of \$1770 plus the sum of \$50 in respect of the filing fee for a total of \$1820.**

Security Deposit

I determined the security deposit plus interest totals the sum of \$417.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1402.50.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: May 16, 2013

Residential Tenancy Branch

