



# 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was sufficiently served on the Tenants by posting on May 14, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on May 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 March 20, 2013. The rent is \$1200 per month payable on the first day of each month. The tenants paid a security deposit of \$600 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of May and the sum of \$1200 remains owing. The tenant(s) vacated the rental unit on May 24, 2013. The landlord re-rented the rental unit and the new tenants took possession on June 1, 2013.

Analysis - Order of Possession:

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

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties acknowledge the tenant owes the sum of \$1200 in outstanding rent for May, \$170 for the cost to clean the carpets and \$50 for the cost of the filing fee for a total of \$1420.
- b. The parties agree that the security deposit in the sum of \$600 shall be retained by the landlord thus reducing the amount owing to the sum of \$820.
- c. The parties request the arbitrator issue a monetary order to reflect this agreement.
- d. This is a full and final settlement and each party releases and discharges the other from all further claims with respect to this tenancy.

Analysis - Monetary Order and Cost of Filing fee

**I granted the landlord a monetary order in the sum of \$1420. I determined the security deposit plus interest totals the sum of \$600. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$820.**

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: June 18, 2013

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Residential Tenancy Branch

