



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, CNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenants have filed an application seeking to have the Ten Day Notice for Unpaid Rent or Utilities set aside. The landlord participated in the conference call hearing but the tenant(s) did not. The landlords filed an application in response to the tenants application therefore I am satisfied that the tenants were fully aware of today's date and time. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Are the tenants entitled to have the notice set aside?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about February 2, 2013. Rent in the amount of \$450.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$225.00 and a pet deposit of \$210.00. The tenant failed to pay rent in the month(s) of July and on July 2, 2013 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of August. The landlord is also seeking the tenants' portion of utilities as agreed upon in their tenancy agreement in the amount of \$169.64.

Analysis

At the outset of the hearing the landlord advised that the tenants have now moved out and no longer requires an order of possession and as a result I dismiss that portion of their application. The landlord stated that the tenants vacated the unit without any notice and did not leave the keys. The landlord also stated that the unit has been left in a dirty and damaged condition.

The tenants did not participate in this hearing nor did they provide any disputing evidence to support their application. I dismiss the tenant's application in its entirety without leave to reapply.

As for the monetary order, I find that the landlord has established a claim for \$1069.64 in unpaid rent and utilities. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$225.00 security deposit and the \$210.00 pet deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$684.64. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$684.64. The landlord may retain the security and pet deposit.

I dismiss the tenant's application in its entirety without 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: August 13, 2013

Residential Tenancy Branch