



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 respondents 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 personally served on the Tenant on July 8, 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 they reside on July 19, 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 parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on March 1, 2011 and would become month to month after that time. The present rent is \$1770 per month payable on the first day of each month. The tenant paid a security deposit of \$850 at the start of the tenancy.

The landlord testified that it appears the tenants have abandoned the rental unit around the middle of July. She further testified the tenants contacted her on July 27, 2013 advised her they were not returning and paid the rent for July including a NSF fee, late charge and the filing fee.

The tenants failed to give sufficient notice they were vacating the rental unit and the landlord was not able to rent the rental unit for August 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.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenants failed to give the required one month notice and as a result the landlord was not able to rent the rental unit for August. I granted the landlord a monetary order in the sum of \$1770.

Security Deposit

I determined the security deposit plus interest totals the sum of \$825. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$945.

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: August 23, 2013

Residential Tenancy Branch

