



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OP MNR MNSD FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although she was personally served with the Application for Dispute Resolution on July 27, 2013.

### Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

### Background and Evidence

This tenancy began on February 1, 2013 for a six month term. The rent is \$1,200.00 due in advance on the first day of each month. The tenant paid a security deposit of \$400.00 at the start of the tenancy. The tenant was responsible for part of the utilities. The tenant did not pay rent for July when it was due. On July 4, 2013 the landlord personally served the tenant with a Notice to End Tenancy for non-payment of rent. The tenant has not paid rent for July and she did not file an application to dispute the Notice to End Tenancy. The tenant moved out of the rental unit on July 27<sup>th</sup>. She damaged the rental unit before she left

### Analysis

Because the tenant has moved out and the landlord has possession of the rental unit, an order for possession is no longer required. The landlord's application for an order for possession is therefore dismissed.

The tenant did not pay July rent in the amount of \$1,200.00. She did not pay utilities for which she was responsible in the amount of \$226.00. The landlord incurred costs for repairs, cleaning and painting in the amount of \$259.75. The landlord has not claimed amounts for additional damage discovered after this application was filed and served.

Conclusion

*Monetary Order and Security Deposit* - I find that the landlord has established a total monetary claim of \$1,685.75 for July rent, utilities and repair and cleaning costs. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,735.75. I order that the landlord retain the deposit and interest of \$600.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,135.75. This order may be filed in the Small Claims 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 29, 2013

---

Residential Tenancy Branch

