



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, OPC, MNR, MNSD, MND, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, for the cost of cleaning and repairs and for the filing fee. The landlord also applied to retain the security deposit in satisfaction of his claim.

During the hearing, the tenant informed me that she has moved out of the rental unit on the day prior to this hearing. The landlord stated that the tenant's belongings are still inside the rental unit and that she has not returned the keys. The tenant agreed that some of her possessions were left behind and stated that she had plans to move them out. The landlord stated that the unit will require cleaning and repair. Since the tenant has not yet fully moved out, I am dismissing the landlord's claim for the cost of cleaning and repair, with leave to reapply.

Therefore, this hearing only dealt with the landlord's application for an order of possession and a monetary order for unpaid rent and the filing fee and to retain the security deposit. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent, and the filing fee?

Background and Evidence

The tenancy started on May 01, 2013. The monthly rent is \$1,050.00 due in advance on the first of each month. Both parties agreed that rent for August in the amount of \$550.00 and full rent for September was outstanding. Therefore rent owed to the landlord in the amount of \$1,600.00 was undisputed.

Analysis

Based on the sworn testimony of the both parties, I find that the tenant has moved out but has not handed over vacant possession to the landlord. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to a total of \$1,600.00 for unpaid rent for August and September 2013. Since the landlord has proven his case he is also entitled to the filing fee of \$50.00.

I order that the landlord retain the security and pet deposits of \$550.00 and accrued interest of \$0.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,100. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$1,100.00**.

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: October 01, 2013

Residential Tenancy Branch

