



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: OPR, MNR , FF

Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord's agent attended the application. At the outset of the hearing the landlord's agent advised that she was no longer asking for an Order for Possession as the tenants had vacated the unit on October 2, 2013.

Issues:

Is the landlord entitled to a Monetary Order?

Background and Evidence:

The landlord's agent testified that the tenancy began in 2010 with rent in the amount of \$ 1,400.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 700.00 at the beginning of the tenancy. The landlord's agent testified that she served the dispute resolution package by handing it to the tenants on September 26, 2013. The landlord's agent testified that the arrears of rent total over \$ 30,000.00 from the period of 2010 through October 2013. The landlord's agent is asking for an Order to retain the security deposit and a further Order for \$ 25,000.00 inclusive of the \$ 100.00 filing fee, as that is the maximum allowable amount of the jurisdiction of this tribunal.

Analysis:

Pursuant to section 71(2) of the Act and the evidence of the landlord's agent I find that the dispute package was served on September 26, 2013. The tenants have not paid all the outstanding rent. I find that the landlord has established a claim for unpaid rent totalling over \$ 25,000.00 inclusive of the \$ 100.00 filing fee. I permit the landlord to

retain all of the security deposit amounting to \$ 700.00, I award the landlord the sum of \$ 25,000.00 inclusive of the \$ 100.00 filing fee.

Conclusion:

I order that the landlord retain the security deposit and interest of \$ 700.00 and I grant the landlord an order under section 67 for the balance due of **\$ 25,000.00** inclusive of the filing fee. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and Order must be served on the tenants as soon as possible.

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: November 04, 2013

Residential Tenancy Branch

