



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution 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.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Preliminary matter

At the outset of the hearing the parties agreed the tenants have vacated the rental unit and an order of possession is no longer required.

Issues to be Decided

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit and pet damage deposit in partial satisfaction of the claim?

Is the landlord entitled to recover the cost of the filing fee?

Background and Evidence

The parties agreed the tenants were served with a notice to end tenancy for non payment of rent. The tenants have vacated the rental unit, and agreed rent for October in the amount of \$650.00 was not paid.

The parties agreed that the tenants paid a security deposit of \$325.00 and a pet damage deposit of \$325.00.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Under section 26(1) of the Act, the tenants must pay rent when it is due under the tenancy agreement. The evidence of the parties was the tenants failed to pay rent for October 2013, and were served with a notice to end tenancy. The tenants acknowledge rent for October 2013, has not been paid. I find the tenants have breached the Act, when they failed to pay rent and as a result the landlord suffered a loss of rent. Therefore, I find the landlord is entitled to recover unpaid rent in the amount of **\$650.00**.

I find that the landlord has established a total monetary claim of **\$700.00** comprised of unpaid rent October 2013 and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit of \$325.00 and pet damage deposit of \$325.00, in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$50.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The landlord is at liberty to file an application for damages to the rental unit.

Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession, and may keep the security deposit and interest in partial satisfaction of the claim. I grant a monetary order for the balance due.

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 26, 2013

Residential Tenancy Branch