



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 is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for outstanding rent, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an Order to retain the full security deposit towards the claim.

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 9, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondents have been properly served with notice of today's hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The landlord had applied for an Order of Possession, however at the beginning of the hearing the landlord stated that he now has possession of the rental unit and therefore is withdrawing that request.

The remaining issue therefore is whether or not to issue an Order for outstanding rent.

Background and Evidence

The applicant testified that:

- This tenancy began on June 1, 2013 with a monthly rent of \$1295.00.
- The tenants failed to pay the September 2013 rent, the October 2013 rent, and the November 2013 rent, for a total of \$3885.00.
- The tenants vacated the rental unit on November 4, 2013; however the rental unit was left in such poor condition that they have had to do extensive cleaning and repairs and as a result have been unable to re-rent the unit to date.
- They are therefore requesting an Order for the full outstanding rent to the end of November 2013, and request an Order allowing them to keep the full security deposit of \$647.50 towards the claim.

Analysis

It's my finding that the landlords have shown that the tenants have failed to pay the rent for the months of September 2013, October 2013, and November 2013 for a total of \$3885.00.

Further, I find it very unlikely that the landlords will be able to re-rent the unit at all in the month of November 2013, and therefore it's my finding that the tenants are liable for the outstanding rent to the end of November 2013.

I also allow the request for recovery of the filing fee.

Conclusion

I have allowed a monetary claim of \$3935.00 and I therefore order that the landlords may retain the full security deposit of \$647.50, and I've issued a Monetary Order in the amount of \$3287.50.

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 18, 2013

Residential Tenancy Branch

