



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, O, OPB, OPR

Introduction

This is an application for an Order of Possession, a request for a Monetary Order for \$3000.00, and a request for recovery of the filing fee paid.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 21, 2013, however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant had requested Order of Possession, however by the date of the hearing the tenants had vacated and the landlord already had possession, and therefore the landlord withdrew the request for an Order of Possession.

The issue therefore is whether or not the landlord has established a monetary claim for \$3100.00.

Background and Evidence

The applicant testified that:

- This tenancy began on March 1, 2013 with the monthly rent of \$1000.00, and at that time a security deposit of \$400.00 was collected.
- The tenants failed to pay the August 2013 rent, September 2013 rent, and October 2013 rent, for a total of \$3000.00.
- He received an Order of Possession on October 8, 2013, however he was unable to re-rent the unit in the month of October 2013 and therefore lost the full rental revenue for that month.
- He is therefore requesting a Monetary Order for \$3000.00.
- Is also requesting an Order for recovery of the \$50.00 filing fee for this hearing, and the \$50.00 filing fee he paid for the hearing in which he was given an Order of Possession.

Analysis

It is my finding that the landlord has shown that no rent was paid for the months of August 2013 and September 2013, and therefore I allow that portion of the claim.

It's also my finding that the landlord has lost the full rental revenue for the month of November 2013 as well, and I therefore also allow that portion of the claim.

I also Order recovery of the filing fee that was paid for today's hearing.

I will not issue an Order for recovery of the filing fee from the previous hearing however, as the Arbitrator in that hearing has already ordered that the landlord may deduct \$50.00 from the security deposit to cover that filing fee.

Conclusion

I have allowed \$3050.00 of the applicants claim and I therefore Order that the landlord may retain the full remaining security deposit of \$350.00, and I've issued a Monetary Order for \$2700.00.

As stated above the original security deposit was \$400.00, however the landlord already has an Order from a previous hearing allowing him to keep \$50.00 of that security deposit.

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 27, 2013

Residential Tenancy Branch

