



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Muks Kum Oi Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPB; MNR; MNSD; MNDC; FF

Introduction

This is the Landlord's application for an Order of Possession, a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of its monetary award; and to recover the cost of the filing fee from the Tenants.

The parties gave affirmed testimony at the Hearing.

The Landlord's agent testified that she mailed the Notice of Hearing documents and copies of the Landlord's documentary evidence to each of the Tenants, by registered mail, on November 8, 2013. The Landlord's agent provided the tracking numbers for the registered mail. The Tenants acknowledged service of the documents.

Preliminary Matter

The Landlord's agent stated that the Landlord is no longer seeking to recover loss of revenue or unpaid rent from the Tenants. She stated that the Landlord is just seeking to retain the security deposit instead of a monetary order for unpaid rent; to recover the cost of the filing fee and an Order of Possession.

Issues to be Decided

- Are the Landlords entitled to retain the security deposit?
- Are the Landlords entitled to an Order of Possession?

Background and Evidence

This tenancy began on July 4, 2008. Monthly rent is \$559.00, due on the first day of each month. The Tenants paid a security deposit in the amount of \$280.00 on July 4, 2008.

The parties signed a Mutual Agreement to End a Tenancy on September 23, 2013, effective October 31, 2013. The male Tenant stated that he has not been able to find

suitable accommodation and asked that the end of tenancy date be extended. The Landlord's agent agreed and asked for an Order of Possession effective January 31, 2014.

The Tenants agreed that the Landlord could keep the security deposit in compensation for loss of revenue.

The parties agreed to perform a move-out inspection on January 31, 2014, at 1:00 p.m. when the rental unit will be vacant.

Analysis

Based on the submissions of both parties, I find that the Landlord is entitled to an Order of Possession based on the Mutual Agreement to End a Tenancy dated September 23, 2013. Although the Landlord is entitled to an Order of Possession effective 2 days after service of the Order upon the Tenants, the parties agreed to end the tenancy on January 31, 2014. Therefore, I hereby provide the Landlord with an Order of Possession effective January 31, 2014, at 1:00 p.m.

The Landlord agreed to keep the security deposit in lieu of seeking a monetary award for loss of revenue. The Tenants agreed that the Landlord could keep the security deposit for this purpose. Therefore, I order that the Landlord keep the security deposit and accrued interest in the amount of \$2.08, for a total of \$282.08 in full and final compensation for loss of revenue.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenants.

Conclusion

I hereby provide the Landlord with an Order of Possession effective **1:00 p.m., January 31, 2014**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The parties agreed to perform a move-out inspection on January 31, 2014, at 1:00 p.m. when the rental unit will be vacant.

The Landlord may retain the security deposit and accrued interest in the total amount of \$282.08 in full and final compensation for loss of revenue to and including December 31, 2013.

I hereby provide the Landlord with a Monetary Order in the amount of **\$50.00** for service upon the Tenants. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: December 20, 2013

Residential Tenancy Branch

