



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was personally served on the Tenants on November 21, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the Tenants reside on November 29, 2013. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on February 1, 2013. The rent is \$800 per month payable on the first day of each month. The tenants paid a security deposit of \$400 after the start of the tenancy.

The tenant(s) failed to pay the rent for the months of November and December and the sum of \$1600 remains owing. The tenant(s) vacated the rental unit at the end of December 2013.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the Tenant's have vacated the rental unit.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of November and December and the sum of \$1600 remains owing. I dismissed the landlord's claim for loss of rent for January 2014 with liberty to re-apply as that claim is premature. It is possible the landlord will re-rent the rental unit for a portion of January and thereby limit his loss. **I granted the landlord a monetary order in the sum of \$1600 plus the sum of \$50 in respect of the filing fee for a total of \$1650.**

Security Deposit

**I determined the security deposit plus interest totals the sum of \$400. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1250.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court 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: January 03, 2014

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Residential Tenancy Branch

