



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent 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 Tenant on May 7, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on December 23, 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 14, 2013. The tenancy agreement provided that the tenant(s)

would pay rent of \$950 per month payable on the first day of each month. The tenant paid a security deposit of \$475 at the start of the tenancy.

The tenant has failed to pay the rent as it comes due and the sum of \$7495 remains outstanding until the end of January 2014. The tenants made some part payments. However, the tenant has not made any payments since October 2013.

The landlord became aware the tenant vacated the rental unit on January 4, 2014.

Analysis - Order of Possession:

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

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent and the sum of \$7495 remains outstanding until the end of January 2014. I granted the landlord a monetary order in the sum of \$7495 plus the sum of \$100 in respect of the filing fee for a total of \$7595.

Security Deposit

I determined the security deposit plus interest totals the sum of \$475. I determined the landlord is entitled to retain this sum. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$7120.

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: February 05, 2014

Residential Tenancy Branch

