



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 applicants 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 10 day Notice to End Tenancy was sufficiently served on the Tenant by posting on January 12, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on January 26, 2014. 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 July 15, 2013 and continue on a month to month basis. The rent is \$1200 per month payable on the first day of each month. The tenant(s) failed to pay the rent for the months of July 2013 (\$600), December 2013 (\$300), January 2014 (\$1200),

February 2014 (\$1200) and March (\$600 for the period March 1, 2014 to March 15, 2014) and the sum of \$3900 remains owing.

The tenant(s) vacated the rental unit on March 4, 2014. The landlord has not been able to re-rent the premises. The landlord will have to make significant repairs before it is possible to re-rent the rental unit.

Analysis

Analysis - Order of Possession:

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

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of July 2013 (\$600), December 2013 (\$300), January 2014 (\$1200), February 2014 (\$1200) and March (\$600 for the period March 1, 2014 to March 15, 2014) and the sum of \$3900 remains owing. **I granted the landlord a monetary order in the sum of \$3900 plus the sum of \$50 in respect of the filing fee for a total of \$3950.**

Security Deposit

I determined the security deposit plus interest totals the sum of \$600. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$3350.

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: March 12, 2014

Residential Tenancy Branch

