



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 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 sufficiently served on the Tenant by posting on March 3, 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 March 20, 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 one year fixed term written tenancy agreement that provided that the tenancy would start on October 1, 2013. The rent is \$955 per month payable on the first day of each month. The tenant paid a security deposit of \$477.50 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of March (\$955 is owed) and April (\$477.50 is owed for the period of April 1, 2014 to April 15, 2014) and the sum of \$1432.50 remains outstanding. The tenant vacated the rental unit on March 26, 2014. The landlord was able to re-rent the rental unit with the new tenant taking possession on April 16, 2014.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant abandoned the rental unit and it has been re-rented.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of March (\$955 is owed) and April (\$477.50 is owed for the period of April 1, 2014 to April 15, 2014) and the sum of \$1432.50 remains outstanding. **I granted the landlord a monetary order in the sum of \$1432.50 plus the sum of \$50 in respect of the filing fee for a total of \$1482.50.**

Security Deposit

I determined the security deposit plus interest totals the sum of \$477.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1005.

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: May 08, 2014

Residential Tenancy Branch

