



Dispute Resolution Services

Page: 1

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 respondents. 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 Tenants by posting on March 3, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on AC by mailing, by registered mail to where she resides on March 20, 2014. The landlord was not able to serve MM as he has vacated the rental unit and the landlord does not know where he has moved. As a result I dismissed the application for a monetary order against MM with liberty to re-apply. 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 written tenancy agreement that provided that the tenancy would start on December 1, 2012, end on November 30, 2013 and become month to month after that. The present rent is \$845.97 per month payable on the first day of each month. The tenants paid a security deposit of \$407.50 on November 30, 2012.

The tenant(s) failed to pay the rent for the months of March (\$381.38 is owed), April (\$422.97 is owed) and May (\$422.97 is owed) and the sum of \$1227.32 remains owing. The tenant(s) MM vacated the rental unit in March. The tenant AC remains in the rental unit.

Analysis

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of March (\$381.38 is owed), April (\$422.97 is owed) and May (\$422.97 is owed) and the sum of \$1227.32 remains owing. **I granted the landlord a monetary order against AC in the sum of \$1227.32 plus the sum of \$50 in respect of the filing fee for a total of \$1277.32.**

Security Deposit

I determined the security deposit plus interest totals the sum of \$407.50. **I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$819.82.**

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 07, 2014

Residential Tenancy Branch

