



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession and a monetary order. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail deemed delivered April 22, 2014, the Tenant did not appear.

At the beginning of the hearing the landlord advised that the tenant had moved out of the rental unit and an order of possession was not required.

Issue(s) to be Decided

- Is the landlord entitled to a monetary order and, if so, in what amount?
- Is the landlord entitled to retain the security deposit and FOB deposit?

Background and Evidence

This six month fixed term tenancy commenced November 1, 2013, and was to continue after April 30, 2014 as a month-to-month tenancy. The monthly rent of \$835.00 was due on the first day of the month as was the \$20.00 per month parking fee. The tenant paid a security deposit of \$417.50 and a FOB deposit of \$40.00. The written tenancy agreement provided for a late payment fee of \$20.00.

The tenant moved out of the rental unit in the latter part of April after being served with 10 Day Notice to End Tenancy for Non-Payment of Rent, and without paying the April rent or parking fee. The tenant did not return the FOB or any other keys.

The landlord was able to re-rent the unit as of mid-May.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the landlord has established a total monetary claim of \$1362.00 comprised of the April rent in the amount of \$835.00; prorated rent for May in the amount of \$377.00; parking for April in the amount of \$20.00; late payment fees for April and May in the amount of \$40.00; missing FOB in the amount of \$40.00; and the \$50.00 fee paid by the landlord for this application. I order that the Landlord retain the security deposit of

\$417.50 and the FOB deposit of \$40.00 in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$904.50.

Conclusion

A monetary order in favour of the landlord in the amount of \$904.50 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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: June 13, 2014

Residential Tenancy Branch

