



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with a landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent, loss of rent; and, authorization to retain the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

It should be noted that the tenant made only a brief appearance at the hearing. The tenant stated her mother-in-law was suffering a serious medical issue at the time. The tenant stated she would be vacating the rental unit this Friday. The tenant confirmed she had not paid rent for February 2014 onwards and still owed \$300.00 in rent for January 2014. I informed the tenant that those were the essential facts to determine and that if the decision contains any fraudulent submissions she may file an Application for Review. The tenant proceeded to exit the teleconference call.

The landlords were agreeable to permitting the tenant occupancy until this Friday but no later.

### Issue(s) to be Decided

1. Are the landlords entitled to an Order of Possession?
2. Are the landlord entitled to a Monetary Order for unpaid and/or loss of rent?
3. Are the landlords authorized to retain the security deposit?

### Background and Evidence

The tenant paid a security deposit of \$250.00 and is required to pay rent of \$500.00 per month. The tenant failed to pay \$300.00 of the rent owed for January 2014. The tenant has made no rent payments since then. The tenant wrote a letter to the landlords on January 29, 2014 acknowledging her inability to pay rent.

The landlords issued two 10 Day Notices to End Tenancy for Unpaid Rent to the tenant: one dated February 1, 2014 and the second dated April 1, 2014. The landlords served the tenant with the second notice in person. The tenant did not file to dispute either of the Notices.

The tenant acknowledged that she owes the landlords rent and will be moving out of the rental unit this Friday. The landlords were agreeable to permitting the tenant occupancy until this Friday.

### Analysis

Given the parties' mutual agreement to permit the tenant to have occupancy of the rental unit until this Friday, I provide the landlords with an Order of Possession effective on June 6, 2014 to serve and enforce in the event the tenant does not vacate the rental unit as agreed upon.

Based upon the undisputed evidence before me, I grant the landlord's request to recover unpaid and/or loss of rent from the tenant. Since the tenant has confirmed that she will occupy the rental unit until this Friday, I provide the landlords with an award for rent calculated as follows:

Rent: January 2014	\$ 300.00
Rent: February 2014 – May 2014 (\$500.00 x 4 months)	2,000.00
Rent: June 1 – 6, 2014 (per diem)	<u>100.00</u>
Total Rent	\$2,400.00

Should the landlords suffer additional damages or losses for rent due to the tenant's actions, the landlords are at liberty to file another Application for Dispute Resolution.

I authorize the landlord to retain the tenant's security deposit in partial satisfaction of the rent owed the landlord. I also award the landlord the filing fee paid for this application.

In light of the above, the landlords are provided a Monetary Order calculated as follows:

Rent (as calculated above)	\$ 2,400.00
Filing fee	50.00
Less: security deposit	<u>(250.00)</u>
Monetary Order	\$ 2,200.00

To enforce the Monetary Order, it must be served upon the tenant and it may be filed in Provincial Court (Small Claims) to enforce as an Order of the court.

### Conclusion

The tenancy has ended and the landlords are provided an Order of Possession effective June 6, 2014 as agreed upon by the parties during the hearing. The landlords have been authorized to retain the security deposit in partial satisfaction of rent due to the landlords and the landlords are provided a Monetary Order for the balance of \$2,200.00 to serve and enforce as necessary.

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 03, 2014

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Residential Tenancy Branch

