



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 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 10 day Notice to End Tenancy was personally served on the Tenant on June 12, 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 July 9, 2014.

The representative of the landlord testified they recently took over conduct of the file from another company and he is unaware whether a security deposit was paid. He stated he wished to withdraw the claim to keep the security deposit. As a result I ordered the application to keep the security deposit be dismissed as withdrawn.

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 recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year written tenancy agreement that provided that the tenancy would start on July 1, 2013. The rent is \$1250 per month payable in advance on the first day of each month.

The tenant(s) failed to pay the rent for the months of June (\$1275 is owed including a \$25 late fee), July (\$1275 is owed including a \$25 late fee) and August (\$1275 is owed including a \$25 late fee) and the sum of \$3825 remains owing. The tenant vacated the rental unit at the end of August. .

Analysis – Order for Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of June (\$1275 is owed including a \$25 late fee), July (\$1275 is owed including a \$25 late fee) and August (\$1275 is owed including a \$25 late fee) and the sum of \$3825 remains owing. **I granted the landlord a monetary order in the sum of \$3825 plus the sum of \$50 in respect of the filing fee for a total of \$3875.**

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: September 09, 2014

Residential Tenancy Branch

