



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord submitted documentary and testimonial evidence each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on July 31, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenants on the 5<sup>th</sup> day after they were mailed.

Based on the testimony and evidence of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord testified she obtained an order of possession for non-payment of rent and on September 11, 2014 she had a bailiff remove the tenants from the property. As such, the landlord no longer requires an order of possession and I amend her Application to exclude the matter of possession.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

### Background and Evidence

The landlord testified the tenancy began as a 6 month fixed term tenancy beginning on June 1, 2014 for a monthly rent of \$950.00 due on the 1<sup>st</sup> of each month with a security deposit of \$475.00 paid.

The landlord testified the tenants did not pay rent for any part of September 2014 and that they only moved out after she had hired a bailiff and had the tenants physically removed in accordance with the order of possession she obtained for non-payment of rent and the writ of possession she obtained based on the above noted order of possession.

### Analysis

Based on the landlord's undisputed testimony I find the tenants failed to pay rent for the month of September 2014 and the landlord is entitled to receive payment for the entire month as the tenants remained in the unit long the end of the tenancy.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,000.00** comprised of \$950.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$475.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$525.00**.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 26, 2014

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Residential Tenancy Branch

