



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lexington Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD MNDC FF O

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on August 20, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on August 25, 2014, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on August 1, 2013 as a fixed-term tenancy to end on July 31, 2014. The tenancy agreement indicates that at the end of the fixed term the tenancy ended and the tenants were to vacate the rental unit. Rent in the amount of \$825 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$412.50. The tenants failed to vacate on July 31, 2014 and failed to pay rent in the months of August, September and October 2014.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenants and the landlord on July 17, 2014, indicating:

- a fixed term ending July 31, 2014, when the tenancy ended and the tenants must move out;
 - a monthly rent of \$825 due on the first of each month; and
 - a security deposit of \$412.50 paid by the tenants;
- testimony stating that the tenants did not move out at the end of the tenancy and they failed to pay rent for August, September or October 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed August 20, 2014.

Analysis

I have reviewed all evidence and I accept that the tenants failed to vacate the unit as required. I find that the tenancy ended on July 31, 2014. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$2475 in lost revenue. The landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to \$2525. I order that the landlord retain the security deposit of \$412.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2112.50. This order may be filed in the Small Claims 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: October 15, 2014

Residential Tenancy Branch