



Dispute Resolution Services

Page: 1

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 both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on August 2, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on August 27, 2014. With respect to each of the applicant's claims I find as follows:

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 retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2011. The present rent is \$1000 per month payable on the first day of each month. The tenant paid a security deposit of \$497.50 at the start of the tenancy. The tenant gave the landlord written notice she was vacating the rental unit on September 15, 2014. The tenant vacated the rental unit on August 29, 2014. The tenant(s) failed to pay the rent and the sum of \$2667.76 remains owing to September 15, 2014. The landlord re-rented the rental unit with the new tenants taking possession on October 1, 2014.

Analysis - Order of 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 and the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent and the sum of \$2667.76 remains owing to September 15, 2014. I granted the landlord a monetary order in the sum of \$2667.76 plus the sum of \$50 in respect of the filing fee for a total of \$2717.76.

Security Deposit

I determined the security deposit plus interest totals the sum of \$497.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2220.26.

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: October 06, 2014

Residential Tenancy Branch

