



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. 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 Notice to End Tenancy was personally served on the Tenant on August 5, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on August 30, 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 June 1, 2012, end on May 31, 2013 and become month to month after

that. The rent is \$1800 per month payable on the first day of each month. The tenant paid a security deposit of \$300 at the start of the tenancy.

The landlord testified the tenant has failed to pay the rent and the sum of \$18,050 remains owing to September 30, 2014. The tenant vacated the rental unit at the end of August. He disputes the landlord's claim for rent for September. He also disputes some the other claims saying that he believes he made some cash payments that were not accounted for.

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.

Settlement:

The landlord claims \$18,050 in rent to the end of September. The tenant disputes the amount of the landlord's claim. The parties settled the amount of the outstanding rent at \$15,000.

As a result of the I granted the landlord a monetary order in the sum of \$15,000 plus the sum of \$100 in respect of the filing fee for a total of \$15,100.

Security Deposit

I determined the security deposit plus interest totals the sum of \$300. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$14,800.

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 07, 2014

Residential Tenancy Branch

