



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding D. Squared Enterprises  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes FF, MNR, MNSD, OPR, MNDC

### Introduction

This is an application for an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for \$2625.00.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 6, 2014 however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore proceeded with the hearing in the tenant's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

At the beginning of the conference call the applicants informed me they no longer required Order of Possession as the tenant has vacated and returned possession, and therefore the issue I dealt with today was a request for a Monetary Order.

### Background and Evidence

The monthly rent for this rental unit is \$750.00, and the tenant has paid the \$375.00 filing fee.

The tenant failed to pay the September 2014 rent and therefore on September 10, 2014 the landlord served a ten-day Notice to End Tenancy.

The tenant vacated the rental unit on November 8, 2014, however the tenant only paid \$100.00 of the September 2014 rent and paid no further rent after that.

Applicants are therefore requesting a monetary order as follows:

September 2014 rent outstanding	\$650.00
October 2014 rent outstanding	\$750.00
November 2014 rent outstanding	\$750.00
Filing fee	\$50.00
Total	\$2200.00

The applicants further request an Order allowing them to keep the full security deposit of \$375.00 towards the claim, and request that a monetary order be issued for the difference.

#### Analysis

It is my finding that the landlords have shown that there is a total of \$2150.00 in rent outstanding to the end of November 2014 and since the landlords have been unable to re-rent the unit I allow full amount claimed.

I also allow the request for recovery of the \$50.00 filing fee.

#### Conclusion

I have allowed the landlord's full reduced claim of \$2200.00, and I therefore ordered that the landlords may retain the full security deposit of \$375.00, and I have issued a Monetary Order in the amount of \$1825.00.

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: November 17, 2014

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Residential Tenancy Branch

