



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Limited
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF, MNDC, MNR, MNSD, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were scheduled to be heard together; however the tenant did not appear at the time and place scheduled for the hearing.

Therefore the tenant's application has been dismissed, and, at today's hearing, I dealt with the landlord's application only.

Issue(s) to be Decided

The landlords had been requesting an Order of Possession and the Monetary Order, however at the beginning of the conference call the landlord stated that the tenant has vacated the rental unit and therefore an Order of Possession is no longer required.

The issue that was dealt with at today's hearing therefore, is whether or not the landlords have established a monetary claim against the tenant, and if so in what amount.

Background and Evidence

This tenancy began on February 1, 2006 and the present monthly rent is \$1385.00, due on the first of each month.

The tenant failed to pay the August 2014 rent and therefore a 10 day Notice to End Tenancy was issued.

The tenant subsequently paid \$500.00 of the August 2014 rent; however it was accepted for use and occupancy only. No further rent has been paid.

The tenant failed to comply with the Notice to End Tenancy in the required time limit, and did not vacate the rental unit until November 3, 2014.

The landlords are therefore requesting a Monetary Order as follows:

August 2014 rent outstanding	\$885.00
September 2014 rent outstanding	\$1385.00
October 2014 rent outstanding	\$1385.00
November 2014 rent outstanding	\$1385.00
NSF cheque fee	\$25.00
Late fees times three	\$75.00
Filing fee	\$50.00
Total	\$5190.00

They therefore request an Order for \$5000.00 and recovery of the \$50.00 filing fee.

The landlords are waiving their right to any money outstanding over the \$5000.00 amount.

Analysis

It is my finding that the landlords have shown that the tenant failed to pay rent totaling \$5040.00 to the end of November 2014.

It is also my finding the tenants rent was late on three occasions and one cheque was NSF.

I therefore allow the landlord's full reduced claim of \$5000.00 and recovery of the \$50.00 filing fee.

Conclusion

I have allowed a total claim of \$5050.00 and I therefore Order that the landlords may retain the full \$625.00 security deposit plus \$21.89 interest for a total of \$646.89, and I have issued a Monetary Order in the amount of \$4403.11.

The tenant's application is dismissed in full, without leave to reapply.

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 04, 2014

Residential Tenancy Branch

