



Dispute Resolution Services

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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 a representative of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenants on September 30, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenants by mailing, by registered mail to where the tenants reside on November 14, 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 commence on September 1, 2014 and continue on a month to month basis. The rent is \$890 per month payable on the first day of each month. The tenants paid a security deposit of \$445 at the start of the tenancy. The tenant(s) failed to pay

the rent for the months of November. The tenants vacated the rental unit at the end of November. The tenants have caused significant damage to the rental unit and the landlord has not been able to re-rent the rental unit because of the damage.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenants have vacated the rental unit and the landlord has regained possession

Analysis - Monetary Order and Cost of Filing fee

With regard to each of the landlords' claims I find as follows:

- a. I determined the landlords are entitled to \$890 for non-payment of rent for November 2014.
- b. I determined the landlord is entitled to \$445 for loss of rent for the period December 1, 2014 to December 15, 2014. I am satisfied significant work needs to be completed on the damage caused by the tenants and it will no be possible for the landlord to re-rent the rental unit prior to December 15, 2014. The claim for loss of rent for the last 2 weeks of December is premature as it is possible that the landlord may be able to re-rent the rental unit. If the landlord is unable to re-rent the rental unit for the last 2 weeks of December the landlord has the right to re-apply.
- c. I determined the landlords are entitled to \$200 for re-payment of the fine levied by the strata corporation for noise caused by the tenants.
- d. I dismissed the claim of the landlord for damage to the rental unit and the move-out fee as those claims are premature. The landlord has not been able to complete all of the repairs and is not in a position to present sufficient evidence to prove those claims. The landlord has right to liberty to re-apply .

I granted the landlord a monetary order in the sum of \$1535 plus the sum of \$50 in respect of the filing fee for a total of \$1585.

Security Deposit

I determined the security deposit plus interest totals the sum of \$445. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1140.

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: December 09, 2014

Residential Tenancy Branch

