



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & 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 sufficiently served on the Tenants by posting on November 3, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on November 29 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 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, 2014, continue for 6 months and become month to month after that. The rent is \$1100 per month payable in advance on the first day of each month. The tenants were supposed to pay a security deposit but they failed to do so.

The tenant(s) failed to pay the rent for the months of September (\$640 remains owing), October (\$1100 remains owing), November (\$1100 remains owing) and December

(\$1100 remains owing) and the sum of \$3940 remains owing. The tenant(s) have vacated the rental unit on December 14, 2014. The landlord has not been able to re-rent the rental unit and repairs are needed before he can put it up for rent.

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

I determined the tenant has failed to pay the rent for the month(s) of September (\$640 remains owing), October (\$1100 remains owing), November (\$1100 remains owing) and December (\$1100 remains owing) and the sum of \$3940 remains owing. **I granted the landlord a monetary order in the sum of \$3940 plus the sum of \$50 in respect of the filing fee for a total of \$3990.**

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 23, 2014

Residential Tenancy Branch

