



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR OPR FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) To retain the security deposit to offset the amount owing; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

The tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated December 2, 2014 and the Application for Dispute Resolution were both served personally with witnesses (proof of service included). I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

The tenant was issued a Notice to End Tenancy dated December 2, 2014 for unpaid rent. The landlord no longer requires an Order of Possession as the tenant vacated on January 11, 2015. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on October 1, 2013, rent was \$1150 a month and a security deposit of \$575 was paid. The landlord testified that the tenant is in rent arrears of \$1000 for October, 2014 and 1150 for December 2014 and also request revenue loss of \$1150 for January 2015. The landlord also requests a monetary order for \$100 for junk removal as acknowledged by the tenant on the condition inspection report at move-out. On the amended Application, the landlord

claims \$3250 total plus the filing fee and asks to retain the security deposit to offset the amount owing.

In evidence is the Notice to End Tenancy, the tenancy agreement, proof of service and a copy of the condition inspection report which was sent by facsimile transmission to the office. On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

Order of Possession: No longer requested as the tenant vacated on January 11, 2015.

**Monetary Order**

I find that there are rental arrears and revenue loss in the amount of \$3150 as claimed on the Application. I find also the landlord entitled to recover \$100 for removal of junk from the premises. I find the landlord entitled to retain the security deposit to offset the amount owing.

**Conclusion:**

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

**Calculation of Monetary Award:**

Rent arrears and revenue loss to January 2015.	3150.00
Junk removal cost per report	100.00
Filing fee	50.00
Less security deposit (no interest 2013-15)	-575.00
Total Monetary Order to Landlord	2725.00

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: January 20, 2015

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**Residential Tenancy Branch**

