



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 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 January 13, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on January 27, 2015. 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 one year fixed term written tenancy agreement that provided that the tenancy would start on December 5, 2014, end on December 6, 2015 and become month to month after that. The rent is \$1200 per month payable in advance on the fifth day of each month. The tenants paid a security deposit of \$1200 at the start of the tenancy. The tenant(s) failed to pay the rent for the period of January 5, 2015 to February 4, 2015 and the sum of \$1200 remains owing. The tenant(s) vacated the rental unit on February 7, 2015.

Analysis - Order of Possession:

It is no longer necessary to consider the landlords' application for an Order for Possession as the landlords have regained possession.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the period of January 5, 2015 to February 4, 2015 and the sum of \$1200 remains owing. I dismissed the claim for damage to the rental unit with liberty to re-apply as the landlord failed to present sufficient evidence to support that claim. I granted the landlord a monetary order in the sum of \$1200 plus the sum of \$50 in respect of the filing fee for a total of \$1250.

Security Deposit

I determined the security deposit plus interest totals the sum of \$1200. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$50.

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: February 11, 2015

Residential Tenancy Branch

