



# 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 respondent 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 Tenant on March 10, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on March 18, 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 tenancy agreement that provided that the tenancy would start on May 14, 2015. The rent is \$750 per month payable in advance on the 15<sup>th</sup> day of each month. The tenant paid a security deposit of \$300 at the start of the tenancy. The tenant(s) failed to pay the rent for the period January 15, 2015 to February 14, 2015 (\$150 is owed), February 15, 2015 to March 14, 2015 (\$750 is owed) and March 15, 2015 to April 14, 2015 (\$750 is owed) months of September and the sum of \$1650 remains owing. The tenant vacated the rental unit on April 18, 2015. .

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as 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 period January 15, 2015 to February 14, 2015 (\$150 is owed), February 15, 2015 to March 14, 2015 (\$750 is owed) and March 15, 2015 to April 14, 2015 (\$750 is owed) months of September and the sum of \$1650 remains owing. I granted the landlord a monetary order in the sum of \$1650 plus the sum of \$50 in respect of the filing fee for a total of \$1700.

Security Deposit:

**I determined the security deposit plus interest totals the sum of \$300. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1400.**

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: April 22, 2015

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Residential Tenancy Branch

