



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 Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside on April 10, 2015. I find that the Amended Application for Dispute Resolution was sufficiently served on April 21, 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 April 1, 2014, end on March 31, 2015 and the tenants would have to vacate after that. The tenants paid a security deposit of \$879.50 on March 12, 2014. The landlord demanded the tenants vacate the rental unit at the end of the term. The tenants over-held. The rent for April was paid and accepted "for use and occupation only." The tenants vacated the rental unit at the end of April without providing notice.

The landlord has lost the rent for May 2015 as the landlord was not able to re-rent the rental unit for that month because of the over-holding and failure to give notice. The rental unit was rented for June 1, 2015.

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 landlord is entitled to \$1759 for the loss of rent for May 2015 as the tenants over-held and failed to give the landlord notice. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$1759 plus the sum of \$50 in respect of the filing fee for a total of \$1809.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$879.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$929.50.

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: May 20, 2015

