



# 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 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 April 29, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on May 11, 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 October 1, 2012 and become month to month after the end of the fixed term. The tenancy agreement provided that the rent was \$1375 per month payable on the first day of each month. The parties subsequently agreed that the tenant could pay half of the rent on the first of the month and the other half in the middle of the month. The tenant paid a security deposit of \$687.50 on September 27, 2012.

The tenant(s) failed to pay the rent for the and the sum of \$4962.50 remains owing to the end of May 2015. The tenant signed a document acknowledging that she owed \$4275 to May 11, 2015. There was a installment due after that date.

The tenant vacated the rental unit around June 1, 2015 although she left some furniture in one of the rooms. .

Analysis - Order of Possession:

The landlord testified he has regained possession and it is no longer necessary for me to consider his application for an Order for Possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent and the sum of \$4962.50 remains owing to the end of May 2015. 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 \$4962.50 plus the sum of \$50 in respect of the filing fee for a total of \$5012.50.**

Security Deposit:

**I determined the security deposit plus interest totals the sum of \$687.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$4325.**

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: June 23, 2015

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Residential Tenancy Branch

