



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to the forwarding address provided by the Tenant on March 4, 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 A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into an oral month to month tenancy agreement that provided that the tenancy would start on November 1, 2014. The rent is \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy.

The landlord served a one month Notice to End Tenancy on the tenant in early January. The tenant disputed that Notice. At the arbitration hearing the parties agreed to end the tenancy on February 28, 2015 and the landlord was given an Order for Possession. The tenant(s) failed to pay the rent for the months of February and the sum of \$800 remains owing. The tenant(s) vacated the rental unit on or about February 23, 2015.

Analysis

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of February and the sum of \$800 remains outstanding. I granted the landlord a monetary order in the sum of \$800 plus the sum of \$50 in respect of the filing fee for a total of \$850.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$400. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$450.

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 24, 2015

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Residential Tenancy Branch

