



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, MNDC

Introduction

A hearing was conducted by conference call in the presence of the applicants 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 personally served on the Tenants on April 7, 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 previous decision letter states the tenancy was a month to month tenancy that began on August 24, 2012. The rent is \$850 per month payable on the first day of each month. The tenant paid a security deposit of \$425 at the start of the tenancy.

In a hearing on March 19, 2015 the landlords obtained an Order for Possession effective March 31, 2015. The claim for a monetary order was withdrawn as the tenants had paid the arrears by the date of the hearing.

On April 1, 2015 the tenants' application for review was dismissed and the original decision and order dated March 19, 2015 was confirmed.

The tenants failed to pay the rent for April and the sum of \$850 is owed. The Bailiff executed a Writ of Possession on April 22, 2015 and the tenants vacated at that time.

The landlords rented the premises to a tenant who was to move in on April 1, 2015. However, because of the tenants' over-holding, that tenant was not able to move in and he/she found accommodation elsewhere. Despite sufficiently attempting to mitigate their loss, the tenants were not able to re-rent the rental unit until May 15, 2015 and they suffered a loss of rent of \$425 for the period May 1, 2015 to May 15, 2015.

Analysis

Analysis - Monetary Order and Cost of Filing fee:

I determined the landlords have established a claim against the tenants in the sum of \$850 for rent for April 2015 and damages for loss of rent in the sum of \$425 for the period May 1, 2015 to May 15, 2015. **I granted the landlord a monetary order in the sum of \$1275 plus the sum of \$50 in respect of the filing fee for a total of \$1325.**

Security Deposit:

I determined the security deposit plus interest totals the sum of \$425. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$900.

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: September 10, 2015

Residential Tenancy Branch

