



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding OKANAGAN METIS & ABORIGINAL HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPN, MNR, MNSD

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order, and order to recover the filing fee for this application, and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on December 10, 2015. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Is the landlord entitled to retain the security deposit?

Is the landlord entitled to the recovery of the filing fee for this application?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about August 1, 2015. The market rent for this unit is \$1342.00 and is payable in advance on the first day of each month. The tenant pays \$680.00 with assistance from the "Ministry". At the outset of the tenancy the landlord

collected from the tenant a security deposit in the amount of \$671.00. On November 1, 2015 the tenant gave the landlord written notice that she was vacating on November 30, 2015. The landlord accepted the notice and took steps to rent the unit for December 1, 2015 to another party.

On November 30, 2015, the landlord attended the subject unit to see the tenants' progress and arrange for the move out condition inspection. At that time, the tenant advised the landlord that she had nowhere to go and would not be vacating. The landlord stated the tenant has taken on numerous homeless people in the unit since that time. The landlord stated that the tenant has paid rent for December and January, to which she was given receipts for use and occupancy only. The landlord advised that the "Ministry" cheque that usually arrives at their office prior to the 1<sup>st</sup> of each month has not arrived this time.

### Analysis

The landlord submitted extensive documentary evidence to support their claim.

I accept the landlord's undisputed testimony and I find that the tenant gave written notice to end her tenancy. The landlord accepted the notice in good faith and took all required steps as a landlord to re-rent the unit to another party. The landlord was not given any notice at any time that the tenant had changed her mind. The tenant has now caused the landlord to have issues with a third party that still wishes to occupy the unit. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to the recovery of the \$50.00 filing fee.

As today is the first and the rent is not yet overdue, the landlord has leave to reapply for any outstanding monetary issues, including the security deposit. This was explained to the landlord and the landlord indicated they understood.

I order that the landlord retain \$50.00 from the security deposit for the recovery of the filing fee.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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: February 01, 2016

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Residential Tenancy Branch

