



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$23,700 for unpaid rent
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence 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 10 day Notice to End Tenancy was personally served on the Tenants on February 3, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered mail to where the Tenants reside on September 10, 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 written tenancy agreement that provided that the tenancy would start on February 15, 2011 and continue on a month to month basis. The rent was initially \$2200 per month. However, In September 2012 the landlord agreed to reduce it to \$1800 per month payable in advance on the first day of each month. The tenants paid a security deposit of

\$1100 at the start of the tenancy. However, with the agreement of the landlord it was applied other item. The landlord holds \$100 of the security deposit.

The tenant(s) failed to pay the rent and they owe the sum of \$23,700 as of April 1, 2015.. The tenant(s) vacated the rental unit on April 3, 2015.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent and October and the sum of \$23,700 remains outstanding to April 1, 2015.. I granted the landlord a monetary order in the sum of \$23,700 plus the sum of \$100 in respect of the filing fee for a total of \$23,800..

Security Deposit:

I determined the landlord presently holds a security deposit of \$100. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$23,700..

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: March 10, 2016

Residential Tenancy Branch

