



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he personally served the adult son of the tenant, who was residing in the rental unit, on January 6, 2015. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on November 1, 2015. Rent in the amount of \$825.00 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$400.00. On December 1, 2015 the landlord and the tenants signed a mutual agreement to end the tenancy on December 31, 2015. The tenants did not vacate the rental unit, and the landlord applied for an order of possession pursuant to the mutual agreement to end tenancy. The landlord submitted a copy of the signed mutual agreement to end tenancy.

The tenants only paid \$425.00 of their rent for December 2015 and they failed to pay \$400.00 of the rent for February 2016 or any rent for March 2016. The landlord stated that he reduced the tenants' rent for March 2016 to \$800.00, as he disconnected the tenants' internet access for the month. The landlord has claimed \$1,600.00 in unpaid rent and lost revenue.

Analysis

I grant the landlord an order of possession pursuant to the mutual agreement to end tenancy, as I find that the agreement is valid.

As for the monetary order, based on the landlord's undisputed evidence I grant the claim for \$1,600.00 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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 \$1,650.00. I order that the landlord retain the security deposit of \$400.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,250.00. This order may be filed in the Small Claims 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 4, 2016

Residential Tenancy Branch