



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Babic Enterprises  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MNR, MNSD, OPR

### Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a Monetary Order in the amount of \$1950.00, and requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 4, 2016; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the conference call the applicant stated that the tenant has vacated the rental unit and they now have possession of the unit, and therefore the only remaining issue to deal with today is a request for a Monetary Order.

Background and Evidence

The applicant testified that this tenancy began on December 1, 2015 with a monthly rent of \$975.00, for a fixed term ending December 1, 2016.

The applicant further testified that the tenant failed to pay the February 2016 rent and therefore on February 6, 2016 the tenant was served with a 10 day Notice to End Tenancy.

The applicant further testified that the tenant failed to comply with the ten-day Notice to End Tenancy and therefore on February 26, 2016 they applied for dispute resolution.

Applicant further testified that the tenant eventually vacated the rental unit on March 15, 2016 however the tenant paid no rent for the months of February 2016 for March 2016.

The applicant is therefore requesting a Monetary Order as follows:

February 2016 rent outstanding	\$975.00
March 2016 rent outstanding	\$975.00
Filing fee	\$100.00
Total	\$2050.00

### Analysis

It is my finding that the landlord has shown that the tenant was in a fixed term tenancy agreement with the monthly rent of \$975.00.

It is also my finding that the landlord has shown that the tenant failed to pay rent for both the months of February 2016 and March 2016, and did not vacate the rental unit until March 15, 2016, and I therefore allow the landlords claim for rent totaling \$1950.00.

I also allow the landlords request for recovery of the \$100.00 filing fee.

### Conclusion

I have allowed the landlords full claim of \$2050.00 and therefore pursuant to section 72 of the Residential Tenancy Residential Tenancy Act, I Order that the landlord may retain the full security deposit of \$975.00 and pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$1075.00.

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: April 19, 2016

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Residential Tenancy Branch

