



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MDSD & 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 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 Tenant March 2, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on March 8, 2016. 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 fixed term written tenancy agreement that provided that the tenancy would start on February 1, 2016 and end on January 31, 2017. The rent is \$650 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$325 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of March and April 2016 and the sum of \$1300 remains owing. The tenant(s) vacated the rental unit some time between March 10 to 15 without giving the

landlord notice. The landlord has not been able to re-rent the rental unit as yet despite sufficiently attempting to mitigate their loss.

Analysis - Order of Possession:

It is no longer necessary to consider the landlords' application for an Order for Possession as the tenant has vacated the rental unit and the landlords have regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of March and April 2016 and the sum of \$1300 remains owing. I granted the landlord a monetary order in the sum of \$1300 plus the sum of \$100 in respect of the filing fee for a total of \$1400.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$325. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1075.

Conclusion:

I ordered that the Landlords shall retain the security deposit of \$325. I further ordered that the Tenant pay to the Landlords the sum of \$1075.

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: April 19, 2016

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Residential Tenancy Branch