



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 in the sum of \$1090 for unpaid rent, parking and late fees.
- 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 two representatives of the applicant and in the absence of the respondent 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 Notice to End Tenancy was served on the Tenant by posting on March 4, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides March 21, 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 written tenancy agreement that provided that the tenancy would start on June 1, 2004. The tenant paid a security deposit of \$360 on May 4, 2004. The present rent is \$970 per month payable in advance on the first day of each month.

The tenancy ended on March 31, 2016 when the tenant vacated the rental unit.

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 and the landlord has regained possession of the rental unit.

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 the sum of \$945 remains outstanding. The landlord is also entitled to a \$25 late fee as provided in the tenancy agreement and a \$15 parking charge. I granted the landlord a monetary order in the sum of \$985 plus the sum of \$100 in respect of the filing fee for a total of \$1085.

Security Deposit:

The tenant paid a security deposit of \$360 on May 4, 2004. The interest on the security deposit as calculated by the Regulations totals \$12.75. The security deposit plus interest totals the sum of \$372.75. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$712.25.

Conclusion:

In summary I ordered that the landlord shall retain the security deposit plus interest in the sum of \$372.75. I further ordered that the tenant pay to the landlord the sum of \$712.25.

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: May 03, 2016

Residential Tenancy Branch