



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, 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 \$12,020 for unpaid rent and damages
- 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 a representative 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 Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on April 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 A Monetary Order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. 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 April 15, 2014. The rent was \$2800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$1400 at the start of the tenancy. The tenant vacated the rental unit around the middle of December 2015.

The tenant(s) failed to pay the rent for the months up to and including December 2015 and the sum of \$11,320 remains owing.

The landlord testified it cost \$700 for garbage removal and cleaning. .

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent and the sum of \$11,320 remains outstanding. In addition I determined the landlord is entitled to the sum of \$700 for the cost of garbage removal and cleaning. I granted the landlord a monetary order in the sum of \$12,020 plus the sum of \$100 in respect of the filing fee for a total of 12,120.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$1400. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$10,720.

Conclusion:

I ordered that the landlord shall retain the security deposit of \$1400. In addition I ordered that the Tenant pay to the landlord the sum of \$10,720.

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: June 23, 2016

Residential Tenancy Branch