



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & 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 \$956 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 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 Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the Tenant resides on May 5, 2016. A search of the Canada Post tracking service indicates it was accepted by tenant on May 9, 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

On July 13, 2006 the parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2015, end on August 1, 2017 and become month to month after that. The present rent is \$856 per month payable on the first day of each month. The tenant paid a security deposit of \$355 at the start of the tenancy. The present rent is \$856 per month payable in advance on the first day of the month.

The tenant(s) gave written notice he was ending the tenancy on March 31, 2016. The landlord agreed to the tenant's request for additional time to find alternative accommodation on the condition the tenant vacate the rental unit by April 30, 2016. The tenant over-held. He has failed to pay the rent for the month of May 2016 and the sum of \$856 remains owing. The tenant vacated the rental unit on May 18, 2016. The landlord claims the sum of \$497 which is the rent for the period May 1, 2016 to May 18, 2016.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the period May 1, 2016 to May 18, 2016 and the sum of \$497 remains owing. I granted the landlord a monetary order in the sum of \$497 plus the sum of \$100 in respect of the filing fee for a total of \$597.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$366.51. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$230.49.

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$355. In addition I further ordered that the Tenant pay to the Landlord the sum of \$230.49.

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 06, 2016

Residential Tenancy Branch