



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MDSD & FF

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. A Monetary Order in the sum of \$2900 for non-payment of rent.
- b. An Order to retain the security deposit.
- c. 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 Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered mail to where the Tenants reside on December 23, 2015. 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:

- 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 previously entered into a one year fixed term tenancy agreement. They subsequently entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on June 1, 2015 and end on May 31, 2016. The rent is \$1450 per month payable on the 15th day of each month for the calendar month. The tenancy agreement incorrectly stated no security deposit was paid. The landlord stated that the \$750 security deposit from the previous fixed term tenancy should be carried over to this tenancy.

The tenants failed to pay the rent for November 2016. On November 14, 2016 the tenants gave the landlord notice they were vacating the rental unit at the end of November. The landlord was not able to rent the rental unit for December 2015 and suffered a loss of rent of \$1450 for that month despite sufficiently attempting to mitigate their loss. .

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of November and December and the sum of \$2900 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$2900 plus the sum of \$50 in respect of the filing fee for a total of \$2950.

Security Deposit

I determined the security deposit plus interest totals the sum of \$750. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2200.

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: July 25, 2016

Residential Tenancy Branch

