



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 \$568 for loss of 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 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 served on the Tenant by mailing, by registered mail to the forwarding address provided by the Tenant on April 6, 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 November 1, 2011. The Tenant paid a security deposit of \$225 at the start of the tenancy. The rent at the end of the tenancy was \$553 per month payable in advance on the first day of each month.

On March 17, 2016 the tenant gave the landlord notice she was vacating at the end of March. The tenant vacated on that date. The landlord was not able to rent the rental unit until the middle of May. As a result the landlord suffered a loss of revenue of \$553

for April. In addition the tenant took an intercom phone with her when she left which result in a \$15 loss for the landlord.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant failed to give the landlord the required one month Notice to end the tenancy and as a result the landlord suffered a loss of revenue for April 2016 in the sum of \$553. In addition the tenant took a intercom phone which cost the landlord \$15. I granted the landlord a monetary order in the sum of \$568 plus the sum of \$100 in respect of the filing fee for a total of \$668.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$225. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$443.

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$225. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$443.

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: September 15, 2016

Residential Tenancy Branch