



# Dispute Resolution Services

Page: 1

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 \$977.60 for unpaid rent
- c. An order to retain the security deposit and pet damage 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(s) 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 10 day Notice to End Tenancy was personally served on the Tenant on July 20, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered mail on September 16, 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 October 1, 2005. The rent at that time was \$650 per month. The tenant paid a security deposit of \$325 and a pet damage deposit of \$200 for a total of \$525 on October 1, 2005. The rent at the end of the tenancy was \$794.68 per month payable in advance on the first day of each month. The tenant(s) failed to pay the full rent for the months of January to the end of October and the sum of \$977.60 remains owing (including two \$25 late fees). The tenant(s) vacated the rental unit on October 19, 2016.

### Analysis - Order of Possession:

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

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenants have failed to pay the full rent for the months of January to the end of October and the sum of \$977.60 remains owing (including two \$25 late fees). 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 \$977.60 plus the sum of \$100 in respect of the filing fee for a total of \$1077.60.

Security Deposit:

I determined the security deposit and pet damage deposit plus interest totals the sum of \$543.59. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$534.01.

Conclusion:

I ordered that the landlord shall retain the security deposit and pet damage deposit plus interest in the sum of \$543.59. In addition I ordered that the Tenants pay to the Landlord the sum of \$534.01.

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: November 04, 2016

---

Residential Tenancy Branch