



# Dispute Resolution Services

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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 \$490 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 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 sufficiently served on the Tenant on September 12, 2016 as the Tenant acknowledged to the Landlord that he had received it. 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 September 2013. The rent at the end of the tenancy was \$980 per month payable on the first day of each month. The tenant paid a security deposit of \$490 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of September and the sum of \$490 remains owing. The tenant wrote the landlord advising the landlord that the landlord could keep the security deposit to apply against the outstanding rent for September. The tenant(s) vacated the rental unit on September 30, 2016.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of September and the sum of \$490 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 \$490 plus the sum of 100 in respect of the filing fee for a total of \$590.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$490. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$100.

Conclusion:

I ordered that the landlord shall retain the security deposit of \$490. I further ordered that the Tenant pay to the Landlord the sum of \$100 for the cost of the filing fee.

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.

Dated: November 04, 2016

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Residential Tenancy Branch