



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Saanich Peninsula Realty Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPL, MNR, MNSD, MNDC, FF, O

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order, and an order permitting retention of the security deposit in full or partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on September 28, 2016 the tenants did not appear.

The landlord advised that the tenants had moved out of the rental unit on October 17, 2016 and an order of possession was no longer required.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

### Background and Evidence

This tenancy commenced March 15, 2013 as a one year fixed term tenancy and continued thereafter as a month-to-month tenancy. As of January 1, 2016, the monthly rent, which is due on the first day of the month, was \$1543.50. The landlord holds a security deposit of \$750.00. In addition to the rent the tenants were responsible for all utilities.

On June 18, 2016, the landlord issued and served a 2 Month Notice to End Tenancy for Landlord's Use. The effective date of the notice was August 31, 2016. The notice was given because the property had been sold and the purchaser required vacant possession.

The landlord did not collect any rent for August pursuant to the terms of the notice to end tenancy.

The tenants did not move out of the unit until October 18 and did not pay any rent for September or October. The landlord is asking for pro-rated rent for October in the

amount of \$896.22. The landlord's total claim for arrears of rent for September and October is \$2439.72.

The landlord helped the tenants find a new place to live. At their request he hired two people to help the tenants with their move. The landlord paid each helper for eight hours of work at \$15.00 per hour; a total of \$240.00. He paid the helpers in cash.

The tenants had paid all the utility bills except the last water bill of \$543.10. On the statement of adjustments for the sale this amount was charged to the vendors. Rather than incur any penalty for late payment the landlord paid the bill. They now ask to be reimbursed for that payment.

### Analysis

I find that the landlord has established a total monetary claim of \$3322.82 comprised of arrears of rent in the amount of \$2433.72, unpaid water bill in the amount of \$543.10; movers in the amount of \$240.00 and the \$100.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$750.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2572.82.

### Conclusion

A monetary order in favour of the landlord in the amount of \$ \$2572.82 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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 17, 2016

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Residential Tenancy Branch