



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent, to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on October 17, 2016 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant via registered mail to the address noted on the application. A Canada Post tracking number was provided as evidence of service to each tenant. The landlord said the mail was received by the tenants; they had confirmed receipt.

These documents are deemed to have been served on the fifth day after mailing, in accordance with section 89 and 90 of the Act.

The tenants did not appear at the hearing.

The landlord said the tenants vacated at the end of October 2016. Therefore, the landlord does not require an order of possession.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

May the landlord retain the security and pet deposit paid by the tenant?

Background and Evidence

The tenancy commenced on March 1, 2016 for a one year term. Rent was \$1,350.00 due on the first day of each month. The landlord is holding a security deposit in the sum of \$675.00 and pet deposit of \$400.00. A copy of the tenancy agreement was supplied as evidence. The pet deposit was paid after the tenancy commenced.

The landlord stated that a 10 day Notice ending tenancy for unpaid rent or utilities, which had an effective date of October 13, 2016, was served to the tenants for unpaid October 2016 rent.

The rent was not paid and the tenants vacated at the end of October 2016. The landlord has claimed \$1,350.00 for the loss of rent.

Analysis

In the absence of evidence to the contrary, I find that the tenants vacated the rental unit as the result of a 10 day Notice to end tenancy for unpaid rent issued on October 3, 2016.

I find, pursuant to section 44(f) of the Act that the tenancy ended on the effective date of the Notice ending tenancy, October 13, 2016. Therefore, I find that the tenants over-held until the end of the month.

In the absence of evidence to the contrary, I find that the tenants have not paid rent and per diem rent in the amount of \$1,350.00 for October 2016 and that the landlord is entitled to compensation in that amount.

As the landlords' claim has merit I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenants for the cost of this Application for Dispute Resolution.

Pursuant to section 72 of the Act, I find that the landlord is entitled to retain the security and pet deposits totaling \$1,075.00, in partial satisfaction of the claim.

Based on these determinations I grant the landlord a monetary order for the balance of \$375.00. In the event that the tenants do not comply with this order, it may be served on the tenants, filed with the Province of British Columbia Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is entitled to a monetary order for unpaid October 2013 rent and per diem rent.

The landlord may retain the security and pet deposits.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 07, 2016

Residential Tenancy Branch