



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Only the landlord's agent attended the hearing and gave sworn testimony. He testified the 10 Day Notice to End Tenancy dated September 15, 2016 to be effective September 25 was served personally and the Application for Dispute Resolution was also served personally after many attempts to contact the tenant. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67; and
- b) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

Is the landlord entitled to a Monetary Order for rental arrears, over holding rent and filing fee?

Background and Evidence:

Only the landlord's agent attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced February 1, 2008, a security deposit of \$1000 was paid (due to an excessive number of occupants) and rent is currently \$1500 a month. It is undisputed that the tenant owes a total of \$6400 arrears from June to September and over holding rent for October. The tenant did not dispute the amount owing.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

The landlord testified that the tenants vacated on October 30, 2016 so they do not need an Order of Possession. The tenancy ended September 25, 2016 pursuant to the

undisputed Notice but I find the tenants continued to live there until October 30, 2016 so they owe over holding rent for October 2016.

Monetary Order

I find rent is owed from June 2016. \$400 for June and \$1500 a month from July to October was not paid. Total amount owed is \$6400.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

June 2016 arrears	400.00
July to September arrears (1500x3)	4500.00
October over holding rent	1500.00
Filing fee	100.00
Less security deposit	-1000.00
Total Monetary Order to Landlord	5500.00

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: December 08, 2016

Residential Tenancy Branch