



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPM, MNR, MNSD, & FF

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession for non payment of rent and pursuant to a mutual agreement to end the tenancy.
- b. A Monetary Order in the sum of \$2300 for non-payment of 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 respondents 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 served on the Tenants by posting on January 16, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on each of the Tenants by mailing, by registered mail to where the Tenants reside on January 26, 2017. 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 May 1, 2016 and end on April 30, 2017. The rent is \$1700 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$850 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of December 2016 (\$850 is owed) and January (1300 is owed) and the sum of \$2150 remains owing. On January 10, 2017 the tenant(s) signed a Mutual Agreement to End the tenancy on effective January 31, 2017. The tenants vacated the rental unit at the end of January.

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 the rental unit.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of December 2016 (\$850 is owed) and January (1300 is owed) and the sum of \$2150 remains owing. In addition the tenants owe five NSF charges at \$25 each and five administration charges at \$5 each for a total of \$150. I granted the landlord a monetary order in the sum of \$2300 plus the sum of \$100 in respect of the filing fee for a total of \$2400.

Security Deposit

I determined the security deposit plus interest totals the sum of \$850. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1550.

Conclusion:

I ordered that the landlord shall retain the security deposit in the sum of \$850. In addition I ordered that the Tenants pay to the Landlord the sum of \$1550.

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: February 21, 2017

Residential Tenancy Branch