



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, & 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 \$4250 for unpaid rent and damages
- c. An order to retain the security deposit/pet damage 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 10 day Notice to End Tenancy was served on the Tenant by posting on January 10, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenant by mailing, by registered mail to where the tenant resides on February 3, 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 a monetary order and if so how much?
- 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 March 1, 2016. The rent is \$850 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$425 and a pet damage deposit of \$100 for a total of \$525 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of November 2016 (\$850 is owed), December 2016 (\$850 is owed), January 2017 (\$850 is owed) and February 2017 (\$850 is owed) and the sum of \$3400 remains owing. The tenant(s) vacated the rental unit on February 9, 2017.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has 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 November 2016 (\$850 is owed), December 2016 (\$850 is owed), January 2017 (\$850 is owed) and February 2017 (\$850 is owed) and the sum of \$3400 remains owing. 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 \$3400 plus the sum of \$100 in respect of the filing fee for a total of \$3500.

Security Deposit:

I determined the security deposit plus pet damage deposit totals the sum of \$525. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2975.

Conclusion:

I ordered that the Landlord shall retain the security deposit and pet damage deposit of \$525. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$2975.

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 final and binding on both parties.

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: March 02, 2017

Residential Tenancy Branch