



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNS, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent or utilities, for an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee from the tenant.

Both parties appeared gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

### Background and Evidence

At the outset of the hearing tenant testified that they have vacated the rental premises, without informing the landlord. The tenant stated that they did not pay any rent for March 2017 or April 2017, due to financial difficulties.

The landlord testified that they tenant did not inform them that they have vacated and a move-out condition inspection needs to be completed and the keys, and fobs returned.

The parties agreed to meet at the rental unit on April 19, 2017, at 9:00am to complete the inspection.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The evidence of the tenant was that they have vacated the premises without informing the landlord.

I find that the landlord is entitled to an immediate order of possession, pursuant to section 55 of the Act. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$1,850.00 comprised of unpaid rent for March 2017, April 2017, and the \$100.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit of \$437.50 in partial satisfaction of the claim and I grant the landlord an order pursuant to section 67 of the Act, for the balance due of \$1,412.50. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The tenant provided the landlord with their forwarding address for future service, which has been noted on the covering page of this decision.

The tenant is ordered to attend the rental unit on April 19, 2017, at 9:00am to complete the move-out condition inspection with the landlord's agent and return all keys and fobs that give access to rental property.

### Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession, and may keep the security deposit and interest in partial satisfaction of the claim. I grant a monetary order for the balance due.

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: April 18, 2017

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Residential Tenancy Branch