



# Dispute Resolution Services

Page: 1

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 \$5000 for unpaid 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 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The parties acknowledged they had received the documents of the other party.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on April 11, 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 April 29, 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 an oral tenancy agreement that provided that the tenancy would start on September 1, 2016. The rent was \$1900 per month payable on the first day of each month. The tenant paid a security deposit of \$700 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of February 2017 (\$600 is owed), March 2017 (\$200 is owed), April 2017 (\$1900 is owed) and May 2017 (\$1900 is owed) and the sum of \$4600 remains owing.

The landlord became aware the Tenant had vacated the rental unit on May 6, 2017.

### Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order of 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 February 2017 (\$600 is owed), March 2017 (\$200 is owed), April 2017 (\$1900 is owed) and May 2017 (\$1900 is owed) and the sum of \$4600 remains owing. I granted the landlord a monetary order in the sum of \$4600 plus the sum of \$100 in respect of the filing fee for a total of \$4700.

### Security Deposit:

I determined the security deposit plus interest totals the sum of \$700. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$4000.

### Conclusion:

I ordered that the Landlord shall retain the security deposit of \$700. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$4000.

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: May 31, 2017

---

Residential Tenancy Branch