



# 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 \$9675 for loss 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 Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered mail to the forwarding address provided by the Tenants on November 22, 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 10 month written tenancy agreement that provided that the tenancy would start on November 1, 2017 and end on August 31, 2018. The rent was \$2150 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$1075 on October 19, 2017. The landlord provided the Tenants

with keys which would allow them to move in early. However, prior to November 1, 2016 and tenants advised the landlord they were not able to sell their home and thus did not intend to move in. The landlord attempted to re-rent the rental unit. However, the landlord was not able to do so despite advertising. The landlord is claiming 4 months of loss of rent. The agent for the landlord testified the rental unit is not rented as yet but they are now renovating the rental unit and thus are not claiming for loss of rent after February 2017.

The landlord testified there has been a loss of rent of \$8600 for the months of November 2016, December 2016, January 2017 and February 2017.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's claim for an Order of Possession as the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the landlord is entitled to \$8600 for loss of rent for the period November 2016, December 2016, January 2017 and February 2017. I granted the landlord a monetary order in the sum of \$860000 plus the sum of \$100 in respect of the filing fee for a total of \$8700.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$1075. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$7625.

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$1075. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$7625.

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 23, 2017

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Residential Tenancy Branch