



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, O, FF, MNR, MNSD

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a tenancy agreement requiring the tenant to vacate at the end of the fixed term, requesting a monetary order for outstanding rent totaling \$3200.00, requesting recovery of the \$100.00 filing fee, and requesting an order to retain the full security/pet deposit of \$600.00 towards the claim.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issues are whether or not the applicants have established the right to an Order of Possession, and whether or not the applicants have established monetary claim against the respondent, and if so in what amount.

Background and Evidence

This tenancy began on December 1, 2016 with a monthly rent of \$800.00, due on the first of each month.

The agent for the landlord testified that this was a fixed term tenancy agreement for three months, ending on February 28, 2017, and on the agreement both the landlord

and tenant had initialed the section that states that, at the end of the tenancy, the tenant must move out of the residential unit.

The agent for the landlord further testified that, not only did the tenant failed to move out of the rental unit at the end of February 2017, she stopped paying any rent whatsoever even though she was still living in the rental unit.

The agent for the landlord therefore requests that an Order of Possession be issued for as soon as possible and that a monetary order be issued as follows:

March 2017 rent outstanding	\$800.00
April 2017 rent outstanding	\$800.00
May 2017 rent outstanding	\$800.00
June 2017 rent outstanding	\$800.00
Filing fee	\$100.00
Total	\$3300.00

The agent for the landlord further requests that the landlord be allowed to keep the full security/pet deposit totaling \$600.00, and requested a monetary order be issued for the difference.

The tenant testified that she stopped paying rent at the end of February 2017, and has paid no further rent, because of a poor condition of the rental unit, and she refuses to pay rent for unit in such bad condition.

The tenant further testified that, she has not applied for dispute resolution to get any kind of orders for repairs, and has no order allowing her to deduct any money from the rent, she just chose to do so, on her own.

The tenant further testified that she does not dispute the request for an Order of Possession as she is already found a place to move to.

Analysis

I have reviewed the tenancy agreement, and the parties did agree that the tenant would vacate the rental unit at the end of the agreement, which was February 28, 2017, and therefore, since the tenant has failed to vacate the rental unit, and further stated she does not dispute the request for an Order of Possession, I allow the landlords request for an Order of Possession.

Further, the tenant has admitted that she has not paid any rent for the months of March 2017 through June 2017 and since she has no order allowing her to make any deductions from the rent, I also allow the landlords request for the full rent outstanding, totaling \$3200.00.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 62 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the tenant.

Pursuant to section 62, 67, and 72 of the Residential Tenancy Act I have allowed a total order of \$3300.00, and therefore pursuant to section 38 of the Residential Tenancy Act I order that the landlords may retain the full security deposit and pet deposit totaling \$600.00, and I have issued a monetary order for the respondent to pay \$2700.00 to the applicant.

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: June 15, 2017

Residential Tenancy Branch