



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: FF, MNR, MND, MNSD & MNDC

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$11000 for unpaid rent
- b. An order to keep the security deposit.
- c. 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 ordered that the Application for Dispute Resolution be amended to include a claim for non-payment of rent for February 2017 (\$1300 is owed) and March 2017 (\$1300 is owed)..

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on March 23, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement for one unit that provided that the tenancy would start on May 12, 2016 with rent set at \$1500 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$750 at the start of the tenancy. However, the tenants failed to pay the next month rent and it was applied to the rent for May.

The tenant owes the sum of \$1500 for June, July and August for a total of \$4500. The tenant showed the landlord that he had applied for workers compensation. The landlord allowed the tenant to move to a neighboring unit. The parties entered into a written tenancy agreement that provided the rent was \$1300 per month commencing September 1, 2016. The tenant failed to pay the rent for September 2016, October 2016, November 2016, December 2016, January 2017, February 2017 and March 2017 and the sum of \$9100 remains outstanding ($\$1300 \times 7 \text{ months} = \9100). The landlord obtained an Order of Possession in another file and the tenant vacated the rental unit on March 8, 2017. The total rent owing is \$13,600.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of \$13,600 plus the \$100 filing fee for a total of \$13,700.

Conclusion

In summary I determined the landlord has established a monetary order against the tenant(s) in the sum of \$13,700. I ordered that the Tenant pay to the Landlord the sum of \$13,700.

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 the 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: August 16, 2017

Residential Tenancy Branch