



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 \$2000 for unpaid rent
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence 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 find that the 10 Notice to End Tenancy was served on the Tenants by posting on August 2, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing and the Amendment to the Application for Dispute Resolution was sufficiently served on the Tenants on August 22, 2017. The Tenants ripped up the documents and returned them to the landlord on that day.

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 recover the cost of the filing fee?

Background and Evidence

The parties entered into a month to month written tenancy agreement that provided that the tenancy would start on February 15, 2015. The rent is \$1000 per month payable on the first day of each month. The tenant paid a security deposit of 500 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of August and September and the sum of \$2000 remains owing. The tenant(s) vacated the rental unit in late August or early September. However, they failed to remove their garbage. Further, they failed to allow the landlord to show the rental unit and the landlord was not able to

re-rent the rental unit until the middle of September with a possession date for October 1, 2017. .

Analysis - Order of Possession:

It is not necessary to consider the landlords' application for an Order of Possession as the Tenants have vacated the rental unit and the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of August 2017 and the sum of \$1000 remains outstanding. Further, the tenants' conduct in refusing to allow the landlord to show the rental unit in August and failing to remove their garbage resulted in the landlord being unable to re-rent the rental unit for September 2017. I determined the landlords are entitled to \$1000 for loss of rent for September 2017.

I ordered that the Tenants pay to the Landlords the sum of \$2000 plus \$100 for the cost of the filing fee for a total of \$2100.

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: September 19, 2017

Residential Tenancy Branch