



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFL, MNDL, MNRL –S – OPR

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 \$4725 for unpaid rent and damages
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

The tenant(s) failed to appear at the scheduled start of the hearing which was 11:00 a.m. on April 16, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on March 5, 2019. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on each of the Tenants on March 26, 2019. 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 month to month tenancy agreement that provided that the tenancy would start on September 1, 2018. The rent is \$1450 per month payable on the first day of each month. The tenants paid a security deposit of \$725 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of March 2019 and the sum of \$1450 remains owing.

The tenant(s) vacated the rental unit on March 31, 2019. .

Analysis - Order of Possession:

The landlord stated that he no longer needed an Order of Possession as the Tenants have vacated the rental unit. As a result I dismissed the application for an Order of Possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenants have failed to pay the rent for the month(s) of March 2019 and the sum of \$1450 remains outstanding. I granted the landlord a monetary order in the sum of \$1450 plus the sum of \$100 in respect of the filing fee for a total of \$1550.

I declined to hear the landlord's claim for damage to his vehicle as I determined that I do not have jurisdiction to hear this claim as it is not a residential tenancy matter.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$725. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$825.

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$725. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$825.

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: April 16, 2019

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Residential Tenancy Branch