



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, OPRM-DR

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 \$1215 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 June 3, 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.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on March 2, 2019. I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was sufficiently served by e-mail in accordance with the order of substituted service obtained on May 14, 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 written tenancy agreement that provided that the tenancy would start on September 1, 2018 and end on February 28, 2019 and become month to

month after that. The rent was \$2495 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$1247.50 at the start of the tenancy.

The tenant(s) failed to pay all of the rent for the month of March 2019 and the sum of \$1215 remains owing.

The tenant(s) vacated the rental unit on or about March 8, 2019. The landlord was not able to re-rent the rental unit for March 2019 despite sufficiently attempting to re-rent it. .

Analysis - Order of Possession:

It is no longer necessary to grant an Order of Possession as the Tenant has 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 March 2019 and the sum of \$1215 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$1215 plus the sum of \$100 in respect of the filing fee for a total of \$1315.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$1247.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$67.50

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$1247.50. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$67.50.

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: June 03, 2019

Residential Tenancy Branch