



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, OPR, FF

Introduction

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

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by personal service on January 22, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for unpaid rent, and request to retain the full security deposit towards the claim. The applicant is also requesting recovery of the filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2012 with a monthly rent of \$730.00, and at that time a security deposit of \$365.00 was collected.
- In November 2012 the tenants only paid a portion of the rent, and there is still \$430.00 rent outstanding for November 2012.
- The tenants paid no rent for the months of December 2012 and January 2013 and therefore on January 15, 2013 a 10 day Notice to End Tenancy was personally delivered into the hands of the tenants.
- The tenants failed to comply with the 10 day notice, however they did subsequently vacated the rental unit on February 5, 2013 and therefore an order of possession is no longer required.
- They are therefore now just requesting a monetary order as follows:

November 2012 rent outstanding	\$430.00
December 2012 rent outstanding	\$730.00
January 2013 rent outstanding	\$730.00
February 2013 prorated rent	\$130.00
Filing fee	\$50.00
Total	\$2070.00

They further request an order allowing them to keep the full security deposit of \$365.00 and requested a monetary order be issued for the balance.

Analysis

As stated above the tenants have vacated the rental unit and therefore no order of possession need be issued.

It is my finding however that the landlords have shown that the tenants failed to pay the above claimed rent and I therefore allow the full monetary claim requested, including recovery of the filing fee

Conclusion

I have allowed the landlords full claim of \$2070.00 and I therefore order that the landlord may retain the full security deposit of \$365.00, and I've issued a monetary order in the amount of \$1705.00.

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: February 15, 2013

Residential Tenancy Branch

