Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNR, OPR, MNR, MNSD, MNDC, FF

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were to be heard together, however the tenants did not join the conference call that was scheduled for the hearing and therefore tenant's application was dismissed, and the hearing dealt only with the landlord's application.

Landlords application was a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for outstanding rent and recovery of the filing fee; however the landlord stated at the beginning of the hearing that the tenants have already vacated the rental unit and he no longer requires an Order of Possession.

Issue(s) to be Decided

The remaining issue to be decided is whether the landlord has established a monetary claim against the tenants and if so in what amount?

Background and Evidence

The Landlord testified that:
- This tenancy began on June 1, 2012 with a monthly rent of $710.00 and the tenants paid a security deposit of $355.00.
- The tenants failed to pay the March 2014 rent and therefore on March 28, 2014 a 10 day Notice to End Tenancy was sent to the tenants by registered mail.

- The tenants did not comply with that Notice to End Tenancy and therefore on April 14, 2014 they applied for dispute resolution.
- The tenants subsequently vacated the rental unit on May 22, 2014; however they paid no further rent.
- They no longer required an Order of Possession; however they are requesting a Monetary Order for outstanding rent totaling $2130.00.
- They also request recovery of the $50.00 filing fee.

Analysis

It is my finding that the landlords have shown that the monthly rent for this unit is $710.00.

It is also my finding that the tenants have failed to pay any rent for the months of March 2014, April 2014, and May 2014 for a total of $2130.00

I therefore allow the landlords request for an order for that outstanding rent and for recovery of the $50.00 filing fee.

Conclusion

I have allowed the landlords full claim of $2180.00 and therefore I Order that the landlords may retain the full security deposit of $355.00, and, pursuant to Section 67 of the Residential Tenancy Residential Tenancy Act, I have issued a Monetary Order in the amount of $1825.00.

The tenants application is dismissed without leave to reapply.

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: May 28, 2014

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Residential Tenancy Branch