



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, MNRL-S, MNDL-S, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposits (the deposits) in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord provided extensive documentation for this hearing. The tenant submitted documentation two days before the hearing but the landlord advised that he had not received it, accordingly; it will not be considered as part of this decision as it does not comply with the Residential Tenancy Rules of Procedure 3.15, 3.16 and 3.17. The hearing proceeded and completed on that basis.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a monetary award for unpaid rent?

Is the landlord entitled to retain all or a portion of the tenants' deposits in partial satisfaction of the monetary award requested?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The landlord gave the following testimony. The tenancy began on or about September 16, 2016. Rent in the amount of \$1800.00 is payable in advance on the fifteenth of each month. The tenant paid a security deposit of \$900.00 that the landlord still holds. The landlord testified that the parties were having difficulties with one another. The landlord testified that on March 16, 2018 the parties entered into a Mutual Agreement to End the Tenancy effective April 15, 2018 and has submitted that document for this hearing.

The landlord testified that the tenant did not move out on April 15, 2018 as required and is now over holding the unit. The landlord testified that the tenant has only paid \$900.00 rent for the rent due on March 15, 2018 leaving a shortfall of \$900.00 for that month. The landlord testified that she has also not paid for the months of April and May. The landlord testified that on October 18, 2017 the tenant drove into the garage door causing \$261.19 which she refuses to pay for which he seeks along with the recovery of the \$100.00 filing fee. The landlord also requests an order of possession.

The landlord seeks the following:

Item	Amount
Unpaid Rent due March 15, 2018	\$900.00
Unpaid Rent due April 15, 2018	1800.00
Unpaid Rent due May 15, 2018	1800.00
Garage door	261.19
Filing fee	100.00
Less Deposit	-900.00
Total Monetary Order	\$3961.19

Analysis

The landlord provided extensive documentation to support his claim. I am satisfied that the landlord and tenant agreed to end the tenancy by no later than April 15, 2018 to which the tenant has not abided. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 55 of the Act, which must be served on the tenant(s). If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenant continues to owe the landlord unpaid rent and the cost to repair the garage door. The landlord is also entitled to the recovery of the filing fee. The landlord is entitled to retain the security deposit in partial satisfaction of the claim.

Conclusion

The landlord has been successful in their application as follows:

Item	Amount
Unpaid Rent due March 15, 2018	\$900.00
Unpaid Rent due April 15, 2018	1800.00
Unpaid Rent due May 15, 2018	1800.00
Garage door	261.19
Filing fee	100.00
Less Deposit	-900.00
Total Monetary Order	\$3961.19

The landlord is granted an order of possession and a monetary order for \$3961.19. The landlord may retain the security deposit.

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 14, 2018

Residential Tenancy Branch