



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between

Decision

Dispute Codes: OPR, MNR, MNSD, FF.

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- A monetary order pursuant to Section 67;
- An order of possession to the landlord pursuant to Section 55;
- An order to retain the security deposit plus interest pursuant to Section 38;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

Issues to be decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee and to retain the security deposit in partial satisfaction of this claim?

Background and Evidence

I find that the Notice to End Tenancy dated August 05, 2008 was served on the Tenant on August 05, 2008 by way of personal service and the Application for Arbitration dated August 15, 2008 was served on the tenant on August 19, 2008 by registered mail.

Despite having been served with the Notice of Arbitration, the tenant did not appear.

The landlord was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

The landlord testified that the tenancy started on October 01, 2007 and the tenant paid a security deposit of \$450.00 on September 18, 2007. The monthly rent is \$1300.00 due on the first of the month. The tenant failed to pay rent for August and was served with a ten day notice to end tenancy. During the hearing the landlord withdrew her claim for an order of possession as the tenant moved out on August 23, 2008.

The landlord is making a claim for a monetary order for the following:

- \$ 1300.00 Rent for August 2008.
- \$ 50.00 The fee for filing this application.
- An order to retain the security deposit.

Analysis

Based on the undisputed testimony of the Landlord, I accept her affirmed evidence in respect of the claim. I find that the landlord is entitled to rent for August and is also entitled to the cost of filing this application. I order that the landlord retain the deposit and interest of \$456.72 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$ 893.28. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I will issue the landlord a monetary order in the amount of \$ 893.28.

September 15, 2008

Date of Decision