

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order to recover rental arrears, an order to retain the security deposit in partial satisfaction of the monetary claim and is inclusive of recovery of the filing fee associated with this application. Despite having been personally served with the application for dispute resolution and notice of hearing in compliance with section 89 of the Residential Tenancy Act (RTA) the tenant did not participate in the conference call hearing.

At the outset of the hearing the landlord advised the tenant vacated the rental unit on January 29, 2009. As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on October 01, 2008. Rent in the amount of \$900 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$450. The tenant failed to pay all the rent due in the month of December 2008, paying only \$450, and on December 03, 2008 the landlord served the tenant with a notice to end tenancy for

on-payment of rent. The tenant further failed to pay rent in the month of January 2009 in the amount of \$900. The landlord is seeking \$25 as late fee for the month of December 2008.

### **Analysis**

Based on the landlord's testimony I find that the tenant has not paid the outstanding rent and has not applied for dispute resolution.

As to a monetary order, based on the above facts, I find that the landlord has established a claim for **\$1375** in unpaid rent. The landlord is also entitled to recovery of the **\$50** filing fee for a total entitlement claim of **\$1425**.

### **Conclusion**

I order that the landlord retain the deposit and interest of **\$451.70** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$973.30**.

If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 06, 2009