



# Dispute Resolution Services

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

## **DECISION AND REASONS**

**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:

- An order of possession, pursuant to Section 55;
- A monetary order for unpaid rent, pursuant to Section 67;
- An order to retain the security deposit in partial satisfaction of the monetary claim, pursuant to Section 38;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

The notice to end tenancy for non payment of rent, dated January 03, 2009 was served on the tenant on January 03, 2008, in person. The notice of hearing dated January 13, 2009 was served on the tenant on January 13, 2009, in person. Despite having been served the notice of hearing, the tenant did not show up for the hearing. The tenant moved out on February 10, 2009, leaving the suite in a condition that needed some work before it could be re rented. The suite is vacant at this time. Hence, the landlord withdrew the landlord's application for an order of possession.

The landlord attended the hearing and 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.

### **Issues to be decided**

- Is the landlord entitled to a monetary order to recover unpaid rent, loss of income, to retain the security deposit and to recover the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on October 01, 2007. The monthly rent was set at \$1325.00 due in advance on the first day of the month. Prior to the start of the tenancy the tenant paid a security deposit in the amount of \$662.50. A term of the tenancy agreement includes a fee of \$25.00 payable by the tenant for late payment of rent. The tenant failed to pay rent for January 2009 and was served a ten day notice with an effective date of January 13, 2009. The tenant moved out February 10, 2009 and the suite remains vacant for the month of February 2009. The landlord is applying for a monetary order in the amount of \$2750.00 which consists of unpaid rent for January 2009 (\$1325.00), loss of income for February 2009 (\$1325.00), late fee for January (\$25.00), NSF fee (\$25.00) and the filing fee (\$50.00).

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to \$2750.00 for unpaid rent, loss of income, late fees, NSF fees and the filing fee. I order that the landlord retain the security deposit and interest of \$675.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$2074.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$2074.50**

Dated February 16, 2009.

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Dispute Resolution Officer