

Dispute Resolution Services

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

DECISION

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim. Despite having been served with the application for dispute resolution and notice of hearing by *registered mail* and deemed served by February 16, 2009 in accordance with section 89 of the Residential Tenancy Act (the Act), the tenant did not participate in the conference call hearing.

The landlord's applications for an order of possession and application for substituted service are hereby dismissed as per the landlord's testimony that they were inadvertent applications. The landlord's total revised claim on application is for rental arrears in the sum of \$2525 and for recovery of the filing fee in the amount of \$50, for a total claim on application of \$2575.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on August 1, 2007 and ended on August 1, 2008. Rent in the amount of \$950 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

\$475 and a pet damage deposit in the amount of \$475. The tenant failed to pay all the rent in the months from February to August 2008: accruing arrears in the total of \$2525.

Analysis

Based on the landlord's testimony, and on the evidence before me and on the preponderance of probabilities, I find that the tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy has unpaid arrears in the amount claimed by the landlord.

I find that the landlord has established a claim for **\$2525** in unpaid rent. The landlord is also entitled to recovery of the **\$50** filing fee for a total entitlement from the tenant in the sum of **\$2575**.

Conclusion

I order that the landlord retain the deposits and accrued interest in the total of **\$964.30** in partial satisfaction of the claim and I grant and will issues the landlord **an order** under section 67 for the balance due of **\$1610.70**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 24, 2009