



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR

MNSD

FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing.

Issue(s) to be Decided

This is the Landlord’s application, filed on January 08, 2009, for a monetary order for unpaid rent, to keep all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of the application.

Preliminary Matter

At the onset of the Hearing, the Landlord’s agent advised that the Tenant’s daughter provided the Landlord with a money order in the amount of \$2,425.00 towards the unpaid rent. The Landlord withdrew his claim with respect to that portion of his application.

The Landlord is entitled to recover the filing fee for the cost of this application from the Tenant in the amount of \$50.00. Pursuant to Section 72 of the Act, the Landlord may deduct that amount from the security deposit of \$1,200.00, which was paid by the Tenant on May 14, 2008. Interest has accrued on the security deposit in the amount of \$11.42. Therefore the remaining balance of the security deposit is \$1,161.42 ($\$1,200.00 + \$11.42 - \50.00). The Landlord is at liberty to re-apply with respect to the remainder of the security deposit.

Conclusion

The Landlord's application with respect to unpaid rent is dismissed without leave to re-apply. The Landlord may re-apply with respect to the remaining security deposit in the amount of \$1,161.42.

March 6, 2009
