



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF (MNSD)

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a Monetary Order to recover unpaid rent and a Monetary Order to recover the filing fee. The Landlord stated at the outset that the tenant has moved out of the property. Therefore, they withdraw their request for an Order of Possession and request a Monetary Order to keep all of the security deposit plus any accrued interest in partial payment towards outstanding rent.

Service of the hearing documents was done in accordance with section 89 of the *Act*, and were hand delivered to the tenant on April 09, 2009.

The agent for the landlord appeared, was provided the opportunity to present their evidence orally, in written form, documentary form and make submissions to me. The tenant did not appear.

Issues(s) to be Decided

- Is the landlord entitled to a monetary order for unpaid rent?
- Is the Landlord entitled to keep all or part of the security deposit and accrued interest?
- Is the landlord entitled to a Monetary Order to recover the filing fee

Background and Evidence

The tenancy started on January 01, 2006 and ended on or around April 09, 2009. The landlord is not sure of the exact date the tenant moved out as he left the rental unit and abandoned his belongings. When the landlord managed to reach the tenant by telephone the tenant told them to get rid of his belongings. The landlords have decided to store the tenants' belongings for three months.

The rent for the unit was \$747.37 per month due on the first of each month. The tenancy was a month to month agreement. A security deposit was paid on December 17, 2005 of \$ 335.00. The tenant gave the landlord a cheque for the March rent but this was returned as insufficient funds were available. Another cheque was presented and this was also returned for insufficient funds. On March 17, 2009 the landlords issued a 10 Day Notice to the tenant requesting the tenant to vacate the rental unit by March 30, 2009.

The landlords state that they will have to remove the tenants' belongings, redecorate the rental unit and carry out some maintenance work before it can be re-rented.

Analysis

I find that the tenant has not paid rent for March. Due to the work the landlord is required to do before the rental unit can be re-rented; I find the landlord is entitled to recover a sum equal to the rent for April as compensation for their rental loss for this month.

I find that the landlord is entitled to use the security deposit and any accrued interest in partial payment towards rent owed by the tenant.



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I find that the landlord has succeeded and is entitled to recover the filing fee from the tenant.

Unpaid rent for March and April	\$1494.74
Less security deposit and accrued interest	-\$346.85
Total	\$1197.89

Conclusion

A Monetary Order in the amount of **\$1197.89** has been issued to the Landlord and a copy of the Order must be served on the Tenant. The Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 22, 2009.

Dispute Resolution Officer