



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for damage or loss under the Act or tenancy agreement and to recover the filing fee for this proceeding. The Landlord also applied to keep all or part of a security deposit. As the tenant has now moved from the rental unit the Landlord is withdrawing her application for an Order of Possession.

The Landlord said she served the Tenant in person on March 09, 2009 with a copy of the Application and Notice of Hearing in this matter. The Landlord said the Tenant moved out without giving her a forwarding address. Service of the hearing documents was done in accordance with section 89 of the *Act* and the hearing proceeded in the Tenant's absence.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Is the Landlord entitled to compensation for damages and if so, how much?
3. Is the Landlord entitled to keep all or part of the Tenant's security deposit?
4. Is the Landlord entitled to recover the filing fee for this application?

Background and Evidence

This tenancy started on January 01, 2006 and ended on April 24, 2009. Rent was \$620.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$300.00 on January 06, 2006. The Landlord said the Tenant did not pay rent for December, 2008 and January, February, March and April, 2009. As a result of unpaid rent the Landlord served the Tenant with a Notice to End Tenancy for Unpaid Rent and Utilities on March 09, 2009. The Landlord claims that the tenant moved out of the property on April 24, 2009 and the outstanding rent is still unpaid. The Landlord states that she is unable to re-rent the rental unit throughout May as the Tenant has left it unclean at the end of the tenancy. The landlord has taken steps to clean the rental unit and prepare it to be re-rented. They are hoping to start to advertise the unit on or about the May 15, 2009.

Analysis

In the absence of any evidence from the Tenant, I find that the Landlord is entitled to recover rent arrears for December, 2008 and January, February, March and April, 2009 of \$3100.00 and a loss of rental income for May, 2009 in the amount of \$620.00. As the Landlord has been successful in this matter, he is also entitled to recover his \$50.00 filing fee for this proceeding.

I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:



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Unpaid rent for five months:	\$3,100.00
May, 2009 Loss of revenue:	\$620.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$3770.00
Less: Security deposit:	(\$300.00)
Accrued interest:	<u>(\$10.59)</u>
Balance Owing:	\$3459.41

Conclusion

A monetary order in the amount of **\$3459.41** has been issued to the landlord and a copy of it must be served on the tenant. This order may be filed in the Provincial Court (small claims) of British Columbia and enforced as an order of that court.

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 27, 2009.

Dispute Resolution Officer