



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, (MNDC), (FF)

Introduction

This hearing dealt with an Application for an Order of Possession and a Monetary Order for unpaid rent. The Landlord applied to amend his application by including a claim to keep the security deposit and to recover his filing fee. I granted his application and amended his application accordingly. At the outset of the hearing the Landlord confirmed that the Tenant moved out and as a result he abandoned his application for an Order of Possession.

Service of the hearing documents was done in accordance with section 89 of the *Act*, They were served by registered mail and sent to the rental unit on February 22, 2009. The Landlord appeared, gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form and make submissions to me.

Issue(s) to be Decided

- Are there arrears of rent and if so, how much?
- Is the Landlord entitled to keep all or part of the security deposit and interest?
- Is the Landlord entitled to recover filing fees from the tenant for the cost of the application?

Background and Evidence

The tenancy started on May 01, 2007 and ended on April 2, 2009. A security deposit of \$485.00 was paid around the time the tenant moved into the rental unit. Rent was \$970.00 a month. The Landlord said the tenant has not paid rent for the months of January, February and March, 2009. A 10 Day Notice to End the Tenancy for unpaid rent was posted on the Tenants' door on February 11, 2009.

Analysis

I find that the Tenant owes rent in the amount of \$ 2,910.00 which is outstanding for the months of January, February and March, 2009. I also find the Landlord is entitled to recover his \$50.00 filing fee for the proceeding. I order pursuant to s. 38(4) of the Act that the Landlord keep the security deposit in partial payment of the rent arrears. The Landlord will be given a monetary order for the balance owing as follows:

Outstanding rent:	\$2,910.00
Filing fee:	\$50.00
Less: Security deposit:	(\$485.00)
Accrued interest:	<u>(\$12.23)</u>
Balance owing:	\$2,462.77

Conclusion

A monetary order in the amount of \$2,462.77 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) and enforced as an order of that Court.