



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent and to recover the filing fee for this proceeding. The Landlord also applied to keep the Tenant's security deposit.

The Landlord served the Tenant by registered mail on February 12, 2009 with a copy of the Application and Notice of Hearing in this matter. The Tenant received the hearing package on February 16, 2009. I find the Tenant was served as required by s. 89 of the Act and the hearing proceeded in her absence.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

Background and Evidence

This tenancy started on November 1, 2008 and ended on January 31, 2009. Rent is \$800.00 per month payable on the first day of each month. The Tenant paid a security deposit of \$400.00 at the beginning of the tenancy. The Landlord said the Tenant paid \$400.00 for January, 2009 rent and said that her room mate would be paying the balance, however to date the balance remains unpaid.

Analysis

RTB Policy Guideline #13 (Rights and Responsibilities of Co-Tenants) says (in part) that "co-tenants are jointly and severally liable for any debts or damages relating to the tenancy. This means the landlord can recover the full amount of rent, utilities or any damages from all or any one of the tenants."

In the absence of any evidence from the Tenant, I find that there are rent arrears in the amount of \$400.00. I also find that the Landlord is entitled to recover her \$50.00 filing fee for this proceeding. Pursuant to s. 38(4) of the Act, I order the Landlord to keep the



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Tenant's security deposit plus accrued interest of \$1.00 in partial payment of the damage award. The Landlord will receive a monetary order for the balance owing as follows:

Rent arrears:	\$400.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$450.00
Less: Security deposit:	(\$400.00)
Accrued interest:	<u>(\$1.00)</u>
Balance owing:	\$49.00

Conclusion

A monetary order in the amount of **\$49.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court 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 22, 2009.

Dispute Resolution Officer