



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes (OPR), MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for Monetary Order for unpaid rent and well as to recover the filing fee for this proceeding. The Landlord also applied to keep the Tenant's security deposit. The Landlord claimed that the tenancy has ended and as a result, she abandoned her application for an Order of Possession.

The Landlord served the Tenant by registered mail on March 20, 2009 with a copy of the application and Notice of Hearing. According to the Canada Post online tracking system, a notification card was left for the Tenant on March 23, 2009, however, he did not pick up the hearing package. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in his 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 June 15, 2008 and ended on March 28, 2009. Rent was \$750.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$375.00 at the beginning of the tenancy. The Landlord claimed that the Tenant is in arrears of rent of \$750.00 for March 2009. The Landlord also applied to recover a \$25.00 late fee pursuant to clause 7 of the tenancy agreement.

Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover rent arrears of \$750.00 for March 2009 as well as a late fee of \$25.00 (pursuant to s. 7 of the Regulations to the Act). As the Landlord has been successful in this matter, she is also entitled to recover her \$50.00 filing fee for this proceeding. I order pursuant to s. 38(4) of the Act that the Landlord 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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Rent arrears:	\$750.00
Late fee:	\$25.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$825.00
Less: Security deposit:	(\$375.00)
Accrued interest:	<u>(\$3.07)</u>
Balance owing:	\$446.73

Conclusion

The Landlord's application for an Order of Possession is abandoned. A monetary order in the amount of **\$446.73** 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: May 08, 2009.

Dispute Resolution Officer