



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 hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a Monetary Order to recover unpaid rent, an Order to keep all or part of the security deposit and a Monetary Order to recover the filing fee.

The Landlord served the Tenant by registered mail on April 08, 2009 with a copy of the Application and Notice of Hearing. I find that the Tenant was properly served pursuant to s. 89 of the Act with notice of this hearing and the hearing proceeded in the Tenants absence. The Landlord stated at the outset that the tenant has abandoned the rental unit. Therefore, the landlord withdraws his request for an Order of Possession.

The landlord appeared, and was provided the opportunity to present his evidence, in written form, documentary form and make submissions to me.

Issues(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?
- Whether the landlord is entitled to a Monetary Order to recover the filing fee?



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Background and Evidence

This tenancy began on February 01, 2009 and ended some time between March 14 and April 07, 2009 when the tenant moved out of the rental unit. Rent was \$1000.00 per month payable on the 1st of each month. The tenant did not pay rent for March, 2009 and the landlord served the tenant with a 10 Day Notice to end tenancy for unpaid rent. The landlord states that he approached the tenant about his rent arrears and the tenant told him that if the landlord waited until April 01, 2009 he would pay him April and Mays rent. The landlord states that although the tenant was late with his rent he was not overall worried as he had rented to this tenant before and due to the nature of the tenants employment he was often late with his rent but had always caught up with any arrears. However, the tenant did not pay the outstanding rent and the landlord tried to contact him by phone but could not reach him. The outstanding rent is for March, April and May, 2009

On April 07, 2009 the landlord posted a notice to the tenant of his intention to inspect the rental unit on April 08, 2009. The landlord carried out the inspection but found that the tenant had abandoned the rental unit leaving some personal items behind. The tenant had left the key to the mail box but not the rental unit. Since that date the landlord has cleaned the unit, changed the locks and re-rented it for May 15, 2009.

Analysis

In the absence of any evidence from the tenant, I find that the landlord is entitled to recover March and April, 2009 rent arrears totaling \$2000.00 and pro-rata rent arrears for May, 2009, due to the fact that the rental unit has been re-let from May 15, 2009, totaling \$500.00. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's security deposit in partial payment towards the rent arrears. As the landlord has been



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successful in this matter, he is also entitled to recover his \$50.00 filing fee for this proceeding.

The landlord is entitled to a Monetary Order as follows:

Rent arrears for March, April, May	\$2,500.00
Less security deposit	(-\$500.00)
Total	\$2,050.00

Conclusion

A Monetary Order in the amount of **\$2050.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount of the order 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 07, 2009.

Dispute Resolution Officer