

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing dated May 26, 2009 was served on the tenant on May 26, 2009, by registered mail. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out on July 04, 2009. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, the filing fee and to retain the security deposit.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, the filing fee and retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on June 01, 2008. The monthly rent was \$775.00 due in advance on the first of each month. The tenant paid a security deposit in the amount of \$387.50

The tenant owed rent for April and May and on May 07, 2009, the landlord served the tenant with a ten day notice to end tenancy. The tenant moved out on July 04, 2009 without paying owed rent.

The landlord is claiming the following:

1.	Balance of rent for April 2009	\$175.00
2.	Rent for May and June @ \$387.50	\$775.00
3.	Filing fee	\$50.00
	Total	\$1,000.00

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant owed \$175.00 for rent for April, \$387.50 for May and \$387.50 for June, for a total debt of \$950.00. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$1,000.00. I order that the landlord retain the security deposit of \$387.50 and accrued interest of \$3.40 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$609.10. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$609.10**

Dated July 08, 2009.

Dispute Resolution Officer