Dispute Resolution Services

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

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing and had opportunity to be heard.

Issue(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The tenancy began on September 1, 2008. Rent was set at $2,300.00 per month. At the outset of the tenancy the landlord collected a security deposit of $2,300.00. The tenant testified that they vacated the rental unit on March 30, 2009. The landlord testified that the tenants did not tell him they were vacating the rental unit, but that he discovered on April 6 that they had vacated. The tenant acknowledged that no rent was paid for the months of February and March. The landlord seeks a monetary order for unpaid rent for February and March and for April 1-6.

Analysis

As the tenants have acknowledged that they did not pay rent in February and March, I find the landlord is entitled to an award for 2 months of unpaid rent. I find that the landlord has not proven that the tenants were still in the rental unit from April 1-6 and accordingly dismiss his claim for rent for that period. The landlord is awarded $4,650.00 which represents two months of rent and the $50.00 filing fee paid to bring this application. I order that the landlord retain the $2,311.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of $2,338.50. A formal order is enclosed which may be enforced through

the Small Claims Division of the Provincial Court.

Conclusion

The landlord is granted an order for $2,338.50.

Dated August 07, 2009.

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Dispute Resolution Officer