



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 a monetary order for unpaid rent and to recover the filing fee for this proceeding.

At the beginning of the hearing the Landlord said that she wanted to amend her application by including a claim to keep the Tenant's security deposit. As the Tenant did not object, the Landlord's application is amended to include a claim to keep the Tenant's security deposit. At the beginning of the hearing the Parties also stated that the tenancy ended and as a result, the Landlord's application for an Order of Possession is dismissed.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?

Background and Evidence

This tenancy started on September 15, 2007 and ended on November 1, 2009 when the Tenant moved out. Rent was \$1,555.50 per month (plus a portion of the utilities for the rental property) payable in advance on the 1st day of each month. The Tenant paid a security deposit of \$750.00 at the beginning of the tenancy.

The Landlord provided a detailed account which showed what amounts were owed from time to time by the Tenant and what was, in fact, paid by the Tenant. With the exception of an NSF fee, the Tenant did not dispute the amount of rent alleged to be in arrears at the end of the tenancy.

Analysis

I find that the Landlord has made out a claim for unpaid rent in the amount of \$2,824.50. I also find that the Landlord is entitled to recover her \$50.00 filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit plus accrued interest 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:	\$2,824.50
Filing fee:	<u>\$50.00</u>
Subtotal:	\$2,874.50
Less: Security deposit:	(\$750.00)
Accrued interest:	<u>(\$14.63)</u>
Balance owing:	\$2,109.87

The Landlord also claimed that the Tenant did not reimburse her for a \$7.00 NSF fee which the Tenant denied. The Landlord did not provide any documentary evidence (such as the actual fee charged by her bank) in support of this claim. Consequently, I find that there is insufficient evidence to support this part of the Landlord's claim and it is dismissed.

Conclusion

The Landlord's application for an Order of Possession is dismissed. A monetary order in the amount of **\$2,109.87** 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: November 12, 2009.

Dispute Resolution Officer