



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent, for a loss of rental income, to recover the filing fee for this proceeding and to keep all or part of the Tenant's security deposit in payment of those amounts. At the beginning of the hearing, the Landlord withdrew his application for an Order of Possession.

The Landlord said he served the Tenant with a copy of the Application and Notice of Hearing by registered mail on November 24, 2009. According to the Canada Post online tracking system, the Tenant received the hearing package on December 3, 2009. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in her 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 December 1, 2006 and ended on November 27, 2009 when the Tenant moved out. Rent was \$819.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$380.00 on November 28, 2006.

The Landlord said that the Tenant has rent arrears for October 2009 of \$818.00 and for November 2009 of \$819.00. The Landlord also sought to recover two late payment fees of \$20.00 each pursuant to a term of the tenancy agreement to that effect.

### Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover unpaid rent of \$1,637.00, late fees of \$40.00 and the \$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 in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:



# Dispute Resolution Services

Page: 2

Residential Tenancy Branch  
Ministry of Housing and Social Development

October 2009 rent:	\$818.00
November 2009 rent:	\$819.00
Late fees:	\$40.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$1,727.00
Less: Security deposit:	(\$380.00)
Accrued interest:	<u>(\$11.68)</u>
Balance Owing:	\$1,335.32

## Conclusion

A monetary order in the amount of **\$1,335.32** has been issued to the Landlord and a copy of the Order 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: December 29, 2009.

---

Dispute Resolution Officer