



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *MNR, MNSD, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the tenant owe the landlord rent? Has the landlord established a claim for unpaid rent and for the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The tenancy started on February 08, 2004 and ended on October 11, 2009. The rent at the time the tenancy ended was \$1,050.00 due in advance on the first day of each month. The tenant paid a security deposit in the amount of \$475.00 plus a pet deposit of \$475.00.

On September 25, 2009, the landlord served the tenant with a notice to end tenancy for cause with an effective date of October 31, 2009. On October 02, 2009 the landlord served the tenant with a second notice to end tenancy for non payment of rent. The tenant moved out on October 11, 2009 without paying rent for October and without informing the landlord.

The landlord found a new tenant for November 01, 2009 and applied for a monetary order for unpaid rent for October 2009 and to recover the filing fee.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement, unless the tenant has a right under this *Act* to deduct all or a portion of the rent. The tenants agreed that they had not paid rent for October 2009 and therefore I find that the landlord is entitled to rent for October 2009 in the amount of \$1,050.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00 paid to make this application.

I order that the landlord retain the security deposit and pet deposit of \$950.00 plus accrued interest of \$33.62 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 \$116.38. 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 in the amount of **\$116.38**.

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: February 24, 2010.

Dispute Resolution Officer