



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes:

**MNR, MNSD, MNDC, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application requesting a monetary Order for unpaid rent, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally delivered to the tenant on January 22, 2010 at the rental unit between 8 and 9 p.m. with a witness present.

These documents are deemed to have been served in accordance with section 89 of the *Act*, however the tenant did not appear at the hearing.

### Preliminary Matter

The landlord withdrew the portion of his Application requesting compensation for loss of revenue.

### Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to a monetary order for loss of revenue?

May the landlord retain the deposit paid?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy agreement requires the tenant to pay monthly rent of \$750.00. The tenant paid a security deposit of \$375.00 on August 15, 2009.

The tenant moved out of the rental unit on January 26, 2010, as the result of a 10 Day Notice to End Tenancy served to the tenant on January 11, 2010. The tenant did not pay January rent.

### Analysis

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$750.00 for January 2010, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit plus interest, in the amount of **\$375.00** in partial satisfaction of the monetary claim.

### Conclusion

I find that the landlord has established a monetary claim, in the amount of **\$800.00**, which is comprised of \$750.00 in unpaid January 2010, rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution. The landlord will be retaining the tenant's security deposit plus interest, in the amount of **\$375.00**, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of **\$425.00**. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court 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: March 04, 2010.

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Dispute Resolution Officer