

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. Despite having been personally served with the application for dispute resolution and notice of hearing on or about November 16, the tenant did not participate in the conference call hearing.

Issues(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began in early 2009 at which time a \$725.00 security deposit was paid. Rent was set at \$1,450.00 per month. The tenant vacated the rental unit on or about September 30, 2009. The tenant was obligated to pay a portion of the utilities for each month. The tenant failed to pay utilities during the tenancy and by the end of the tenancy owed \$1,352.00. During the tenancy the parties agreed that as the tenant was going through financial difficulty, the rent for June – September inclusive would be reduced by \$150.00 each month and the tenant would pay \$600.00 to the landlord in November to make up for the difference. The tenant failed to pay the rental arrears as promised.

Analysis

I accept the landlord's undisputed testimony and find that the tenant owes the landlord \$1,352.00 for unpaid utilities and \$600.00 in rental arrears. I find that the landlord is entitled to recover the \$50.00 filing fee paid to bring her application and I award the landlord a total of \$2,002.00.

Conclusion

The landlord is awarded \$2,002.00. I order the landlord to retain the \$725.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$1,277.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Dated: March 16, 2010
