

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent and utilities, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

Issues(s) to be Decided

1. Is there unpaid rent and utilities and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

Background and Evidence

This tenancy started approximately 8 months ago and ended on or about February 1, 2010 when the Tenant(s) moved out. Rent was \$1,200.00 per month. The Tenant(s) paid a security deposit of \$600.00.

The Tenant does not dispute that rent is unpaid for one month and that there are utility arrears of \$190.00. The Tenant said he tried to make arrangements with the Landlord to make payments on the arrears, however, the Landlord would not agree.

Analysis

As the Tenant agrees that there are rent and utility arrears in the amount claimed by the Landlord on his application, I find that the Landlord is entitled to recover that amount. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial payment of the arrears. The Landlord will receive a monetary order for the balance owing of \$790.00.

When an applicant does not attend the hearing of his own application, the usual procedure is to dismiss it without leave to reapply. In this case however, the matter was not dismissed because the Tenant attended the hearing and consented to the Order sought. In the circumstances, I find that this is not an appropriate case to reimburse the Landlord for his \$50.00 filing fee and that part of his application is dismissed without leave to reapply.

Conclusion

A monetary order in the amount of **\$790.00** 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: April 21, 2010.

Dispute Resolution Officer