

DECISION

Dispute Codes

MNR, MNSD, MNDC, FF

Introduction

This is the Landlord's application for a Monetary Order for unpaid rent and compensation for damage or loss; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord signed into the teleconference and gave affirmed testimony.

Background and Evidence

The Landlord testified that the Tenant was served with the Notice of Hearing documents on December 14, 2009, at 2:30 p.m., by handing the documents to the Tenant. The Landlord provided a certificate of service, signed by a Witness, in evidence.

The Landlord testified that monthly rent was \$630.00 from May, 2009 to September, 2009. The Landlord testified that the Tenant agreed to a rent increase of \$25.00 per month commencing October, 2009, in order to compensate for additional heating costs in the winter. The Tenant paid a security deposit in the amount of \$270.00 on May 27, 2008.

The Landlord testified that the Tenant had fallen behind in his rent and utility payments in December, 2008. The Landlord testified that she and the Tenant had reached an agreement with respect to the payment of the Tenant's indebtedness. The Landlord provided documentary evidence consisting of e-mails between the parties dated May 19 and 20, 2009. The Landlord testified that the Tenant did not make payments in accordance with the agreed schedule, but continued to promise to do so when he was paid, or when he sold his truck. The Landlord testified that the Tenant made partial payments towards rent, but was falling further and further behind. The Landlord issued

a 10 Day Notice to End Tenancy on November 2, 2009, and the Tenant moved out of the rental unit on November 15, 2009.

The Landlord provided photographic evidence of the condition of the rental unit when the Tenant moved out. The Landlord stated that she is not going to pursue a claim for damages against the Tenant.

The following is the Landlord's accounting of monies owed and paid by the Tenant since the agreement of May 19/20, 2009:

Date	Amount owed	Amount paid	Balance due
May 19, 2009	\$1,965.00		
(Apr/May cable adjustment)	\$10.00	May 20 \$150.00 May 27 \$100.00 Jun 02 \$125.00	\$1,725.00
June, 2009 rent	\$630.00	Jun 02 \$125.00 Jun 19 \$75.00	\$2,155.00
July, 2009 rent	\$630.00		\$2,785.00
August, 2009 rent	\$630.00	Aug 04 \$50.00 Aug 15 \$150.00	\$3,215.00
September, 2009 rent	\$630.00		\$3,845.00
October, 2009 rent	\$655.00	Oct 15 \$150.00 Oct 30 \$50.00	\$4,030.00
November, 2009 rent	\$655.00		\$4,955.00

Analysis

I accept the Landlord's evidence that the Tenant was personally served with the Notice of Hearing documents on December 14, 2009. Despite being served, the Tenant did not sign into the teleconference, and the Hearing proceeded in his absence.

Based on the Landlord's affirmed testimony and supporting documentary evidence, and in the absence of any evidence to the contrary from the Tenant, I find that the Landlord has established her monetary claim. Pursuant to the provisions of Section 72 of the Act, the Landlord may apply the security deposit, together with accrued interest, in partial satisfaction of her monetary award. Interest has accrued on the security deposit in the amount of \$2.42.

The Landlord has been successful in her application and is entitled to recover the cost of the filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Monetary award	\$4,955.00
Recovery of filing fee	\$50.00
Less security deposit and accrued interest	-\$272.42
Balance due to the Landlord after set-off	\$4,732.58

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of \$4,732.58 against the Tenant. This Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) 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: May 17, 2010