

## **DECISION**

### **Dispute Codes:**

CNC, OPR, MNR, MNDC, MNSD, FF

### **Introduction**

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss; 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 withdrew her application for an Order of Possession at the hearing, as the rental unit has been vacated.

The Tenant filed an Application for Dispute Resolution, in which he applied to set aside a Notice to End Tenancy for Cause. The Tenant withdrew his Application for Dispute Resolution at the hearing, as he has vacated the rental unit.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The Landlord's Application for Dispute Resolution was amended to reflect the correct spelling of the Tenant's surname.

### **Issue(s) to be Decided**

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

### **Background and Evidence**

The Landlord and the Tenant agree that this tenancy began on February 22, 2010; that it ended on July 20, 2010; that the Tenant is required to pay monthly rent of \$550.00 on the first day of each month; that the Tenant paid a security deposit of \$275.00; and that the Tenant did not pay rent when it was due on July 01, 2010.

The Landlord is seeking compensation for the unpaid rent from July of 2010.

### Analysis

I find that the Tenant entered into a tenancy agreement with the Landlord that requires the Tenant to pay monthly rent of \$550.00 on the first day of each month. Section 26(1) of the *Act* requires tenants to pay rent to their landlord.

I find that the Tenant did not pay rent when it was due on July 01, 2010. As he is required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenant must pay \$550.00 in outstanding rent to the Landlord.

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

### Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$600.00, which is comprised of \$550.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Pursuant to section 72(1), I hereby authorize the Landlord to retain the Tenant's security deposit, in the amount of \$275.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$325.00. 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: July 23, 2010.

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Dispute Resolution Officer