



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

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

The Landlord said he served the Tenant with a copy of the Application, Notice of Hearing and evidence (the "hearing package") by registered mail to the Tenant's forwarding address on June 3, 2010 and that the Tenant received it the following day. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issues(s) to be Decided

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

### Background and Evidence

This tenancy started on April 1, 2006 and ended on May 31, 2010 when the Tenant vacated the rental unit although the Landlord said the Tenant's personal possessions remained in the rental unit for approximately one further month. Rent was \$845.00 until April 1, 2009 when it was increased to \$875.00 and then increased again to \$900.00 on April 1, 2010. The Tenant paid a security deposit of \$400.00 at the beginning of the tenancy.

The Landlord provided as evidence at the hearing an account statement that shows that as of May 31, 2010, the Tenant had accumulated rent arrears in the total amount of \$9,227.10 for the period September 1, 2008 to the end of the tenancy.

### Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord has made out a claim for unpaid rent in the amount of \$9, 227.10. I also find that the



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Landlord is entitled pursuant to s. 72 of the Act to recover the \$100.00 filing fee for this proceeding from the Tenant. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit plus accrued interest in partial payment of the monetary award. The Landlord will receive a Monetary Order for the balance owing as follows:

Unpaid Rent:	\$9,227.10
Filing Fee:	<u>\$100.00</u>
Subtotal:	\$9,327.10
Less Security deposit:	(\$400.00)
Accrued interest:	<u>(\$13.65)</u>
Balance Owing:	\$8,913.45

## Conclusion

A Monetary Order in the amount of **\$8,913.45** 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: July 13, 2010.

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Dispute Resolution Officer