



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNR, OPR, MNDC, MNSD, FF

Introduction

This hearing dealt with applications by both the Landlord and the tenant pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and a monetary order for loss of income and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim. The tenant applied for the return of his rent for the month of April.

Despite having applied for dispute resolution, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenancy has ended and therefore the landlord's application for an order of possession was moot and accordingly dismissed. This hearing only dealt with the landlord's application for a monetary order.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent, the filing fee and to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on December 01, 2009. The tenancy agreement was entered into by two tenants GA and GD. The monthly rent was \$850.00 due on the first of each month. Each tenant paid a security deposit of \$212.50 for a total of \$425.00. In February 2010, GA paid his share of rent while GD did not. On March 05 the landlord served the tenants with a ten day notice to end tenancy. GA moved out on March 25 while GD continued to reside in the rental unit for the month of April and moved out on June 01, 2010.

GD did not pay his share of rent for February, March or April. Even though GA moved out on March 25, his rent for April was paid directly to the landlord from Social Services. Therefore, the landlord received \$425.00 for April. GD continued to reside in the rental unit without paying rent and moved out on June 01, 2010. The landlord testified that the tenant owed \$425.00 for February, \$425.00 for March and \$850.00 for April. The landlord has applied to retain the security deposit in partial satisfaction of her claim.

The tenant GA has applied for the return of his rent for April as he did not reside in the rental unit for that month.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. In this case the tenant owes rent for the months of February, March and April 2010. Accordingly, I find that the landlord is entitled to **\$1,700.00**. Since the landlord has proven her case, I find that she is also entitled to the recovery of his filing fee, in the amount of **\$50.00**.

I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,325.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order in the amount of **\$1,325.00**. The tenant's application is hereby dismissed in its entirety.

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: August 04, 2010.

Dispute Resolution Officer