



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, MNDC, MND, FF

### **Introduction**

This hearing was convened in response to an orally amended application by the landlord pursuant to the *Residential Tenancy Act* for only a monetary Order as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security - Section 38
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that the tenant was served with notice of today's hearing. Both parties attended the hearing and fully participated with their testimony, questions and efforts to resolve their dispute. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

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

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began in October 2009. Rent in the amount of \$1550 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$775. The tenant failed to pay rent in the month of September 2010, and subsequently vacated the rental unit on

or about September 12, 2010. The landlord's monetary claim is for the unpaid rent for September 2010 in the amount of **\$1550**.

### **Analysis**

Based on the testimony of the landlord and of the tenant I find that the tenant has not paid the outstanding rent. I therefore find that the landlord has established a monetary claim for **\$1550** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1600**. The landlord has waived all other aspects of their claim.

The **security deposit** will be off-set from the award made herein.

### ***Calculation for Monetary Order***

Rental Arrears	\$1550.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest <i>to date</i>	-775.00
<b>Total Monetary Award</b>	<b>\$825.00</b>

### **Conclusion**

**I Order** that the landlord retain the deposit of \$775 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$825**. If necessary, this order may be filed in the 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*.