



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR; MNSD; FF

Introduction

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

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Issues to be Decided

- Is the Landlord entitled to a Monetary Order for unpaid rent, and if so, in what amount?

Background and Evidence

Monthly rent was \$585.00 per month, due the first day of each month. The Tenant paid a security deposit in the amount of \$292.50 on November 17, 2007. The tenancy ended on February 15, 2010.

The Landlord seeks a Monetary Order for unpaid rent, as follows:

Unpaid rent for the period prior to May, 2009	\$310.00
Unpaid rent for August, 2009	\$85.00
Unpaid rent for October, 2009	\$85.00

Unpaid rent for November, 2009	\$135.00
Unpaid rent for December, 2009	\$35.00
Unpaid rent for January, 2010	\$85.00
Unpaid rent for February, 2010	<u>\$540.00</u>
TOTAL	\$1,320.00

The Tenant is disputing that she owed rent prior to May, 2009, but is in agreement with the remainder of the Landlord's claim, in the amount of \$1,010.00.

The Landlord stated that he kept records of when she was short with rent payments, and that he had provided a copy of his bank statements in evidence. He stated that he could provide proof that she owed rent in the amount of \$310.00 prior to May, 2009.

Analysis

The Landlord requested permission to be allowed to provide late evidence to prove his claim that the Tenant owed \$310.00 in unpaid rent prior to May, 2009. Parties must provide evidence to the Residential Tenancy Branch and to the other party at least five clear business days prior to the Hearing. Therefore, I cannot allow late evidence from either party.

The Landlord has not provided sufficient evidence with respect to his claim for unpaid rent prior to May, 2009, and this portion of his application is dismissed. The Tenant did not dispute the remainder of the Landlord's claim, and therefore I find that the Landlord has established a monetary award for unpaid rent for August, October, November and December, 2009 and for January and February, 2010.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit and accrued interest towards partial satisfaction of his monetary award. Interest has accrued on the security deposit in the amount of \$4.94.

The Landlord has been successful in his application and is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

The Landlord has established a monetary claim as follows:

Unpaid rent	\$1,010.00
Recovery of the filing fee	\$50.00
Subtotal	\$1,060.00
Less security deposit	- \$297.44
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$762.56

Conclusion

I hereby provide the Landlord with a Monetary Order in the amount of \$762.56 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: October 05, 2010.
