



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started in June, 2010 with bi-weekly rent of \$562.50, the tenant paid a security deposit of \$562.50.

The landlord testified that the tenant currently owes unpaid rent to the landlord for October 29, \$164.99, November 12, \$562.50 for a total of \$727.49 in unpaid rent. The landlord has a move out condition inspection report signed by the tenant and landlord that reflects the tenant signing the security deposit over to the landlord. The landlord applied \$164.99 of the security deposit to the unit cleaning costs and repairs and the \$397.51 balance to the October rent that was owed.

The tenant testified that she did owe the landlords rent for October and November however the tenant was of the understanding that all of the security deposit was going towards the October rent. The tenant did not have a copy of the signed move out condition inspection report and could not verify if the security deposit was noted as being used for rent only or for cleaning/damages and rent.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for a monetary order for unpaid rent.

I find that the landlord has established a monetary claim for \$727.49 in unpaid rent.



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The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$727.49 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for **\$777.49**

A monetary order in the amount of **\$777.49** 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: December 8, 2010

Dispute Resolution Officer