

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited over ten minutes to allow him to participate. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. Male landlord JE (the landlord) testified that he handed the tenant a copy of the application for dispute resolution hearing package on December 6, 2010 at 8:30 a.m. I am satisfied that the landlord has served the application for dispute resolution to the tenant in accordance with the *Act*.

The landlord testified that he has already obtained an Order of Possession for the rental premises when the tenant did not attend a previous dispute resolution hearing. He withdrew his application for an Order of Possession.

### Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to retain the tenant's security deposit in partial satisfaction of the monetary award requested? Is the landlord entitled to recover the filing fee for this application from the tenant?

### Background and Evidence

This periodic tenancy commenced on March 12, 2010. Monthly rent was set at \$730.00, payable on the first of each month. The landlord continues to hold the tenant's \$360.00 security deposit paid on March 12, 2010.

The landlord requested a monetary award of \$730.00 for each of the months of October, November and December 2010 for rent which he testified remains unpaid. The landlord requested permission to retain the security deposit and to recover his \$50.00 filing fee.

### Analysis

I issue a monetary award in the landlord's favour in the amount of \$2,190.00 for unpaid rent. I allow the landlord to retain the tenant's \$360.00 security deposit plus interest in partial satisfaction of this monetary award. No interest is applicable over this period. I allow the landlord to recover the \$50.00 filing fee for this application from the tenant.

### Conclusion

I issue a monetary Order in the landlord's favour in the amount of \$1,880.00. This monetary Order allows the landlord to recover unpaid rent, to retain the security deposit and to recover his filing fee. The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.