



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

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

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for rent owed and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a claim for unpaid rent? Is the landlord entitled to retain the security deposit and to recover the filing fee?

Background and Evidence

The tenancy started on July 01, 2008. Rent is at \$900.00 due on the first of the month. The tenant paid a security deposit of \$225.00.

The tenant agreed that he owed the landlord rent for January 2011 and also owed rental arrears from December 2010. In a note dated November 24, 2010, written by the tenant and filed into evidence by the landlord, the tenant agrees that she owes the landlord \$1,185.00. However during a discussion on payments made by the tenant, both parties agreed that the matter would be resolved upon payment of \$1,950.00 by the tenant, to the landlord.

The landlord requested that his claim for the security deposit be withdrawn with leave to reapply after the tenancy ended. The tenants have agreed to move out on January 31, 2011.

Analysis

Based on the testimony of both parties, I find that the landlord has established a claim of \$1,950.00 for unpaid rent. Since he has proven his case, he is also entitled to \$50.00 for the filing fee.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$2,000.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of \$2,000.00.

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: January 26, 2011.

Residential Tenancy Branch