



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNDC, MNSD, FF, O

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for damage or loss under the Act or tenancy agreement, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") in person on December 24, 2010. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issue(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

Background and Evidence

This fixed term tenancy started on January 15, 2010 and was to expire on January 15, 2011. Rent was \$1,200.00 per month. The Tenant paid a security deposit of \$575.00.

The Landlord said that he listed the property for sale on December 2, 2010 and on December 11, 2010 he and the Tenant signed a Mutual Agreement to End the Tenancy on December 31, 2010. The Landlord said he advised the Tenant that he had an accepted offer from a purchaser who wanted to take possession in January 2011 however the Tenant advised him that she wanted to stay longer. The Landlord said the Tenant paid only \$600.00 for rent for December 2010. The Landlord said that he attended the rental property on January 3, 2011 and discovered that the Tenant had moved out and did not leave him a forwarding address.

Analysis

In the absence of any contradictory evidence from the Tenant, I find that there are rent arrears of \$600.00 for December 2010. I also find pursuant to s. 72 of the Act that the



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Landlord is entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit of \$575.00 in partial payment of the unpaid rent. The Landlord will receive a Monetary Order for the balance owing of \$75.00.

Conclusion

A Monetary Order in the amount of **\$75.00** 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: January 13, 2011.

Residential Tenancy Branch