



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

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

### **Introduction**

This hearing was convened by way of conference call to deal with the landlord's application for a monetary order for unpaid rent or utilities; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for an order permitting the landlord to retain the security deposit in partial satisfaction of the claim; and to recover the filing fee from the tenant for the cost of this application.

An agent for the landlord company attended the conference call hearing and gave affirmed testimony. Despite being served with the Landlord's Application for Dispute Resolution and notice of hearing documents personally on September 15, 2010 the tenant did not attend the conference call hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to a monetary order for unpaid rent or utilities?

Is the landlord entitled to a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

### **Background and Evidence**

This month-to-month tenancy began on November 1, 2009. Rent in the amount of \$1,584.00 per month was payable in advance on the last day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$792.00.

The landlord's agent testified that on September 3, 2010 the landlord obtained an Order of Possession and a monetary order for unpaid rent for the month of August, 2010 by way of Direct Request proceeding as against this tenant. The tenant further failed to pay rent for the month of September, 2010 and the landlord served the Order of Possession. The parties conducted a move-out condition inspection report on September 28, 2010 and the tenant actually vacated the rental unit that week. The landlord claims \$1,584.00 for unpaid rent for the month of September, 2010 and \$25.00 for a late fee as provided in the tenancy agreement, a copy of which was provided in advance of the hearing.



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## **Analysis**

In the circumstances, I find that the landlord has established a claim for \$1,584.00 in unpaid rent and \$25.00 for a late fee as provided for in the tenancy agreement. The landlord is also entitled to recovery of the \$50.00 filing fee.

## **Conclusion**

I order that the landlord retain the security deposit and interest of \$792.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$867.00. This order may be filed in the Provincial Court of British Columbia, Small Claims division 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 05, 2011.

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Residential Tenancy Branch