

## **DECISION**

Dispute Codes      MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing documents by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issues to be Decided

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

### Summary of Background and Evidence

This fixed term tenancy started January 1, 2008 with current monthly rent of \$858.00, the tenant paid a security deposit of \$405.00 and a pet damage deposit of \$200.00.

The landlord testified that on February 8, 2011 the tenant paid \$850.00 towards the outstanding February 2011 rent but still owes the landlord \$8.00 towards rent and the \$20.00 late fee. The landlord gave the tenant a receipt noting 'for use and occupancy only' for the \$850.00 rent payment.

The landlord is seeking a monetary order for \$28.00 for unpaid rent and late fees.

As the tenant still occupies the rental unit and has not paid the rent in full, the landlord has requested an order of possession effective 2 days after service on the tenant.

### 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 entitlement to an order of possession for unpaid rent and a monetary order for unpaid rent and late fees.

I find that the landlord has established a claim for \$28.00 in unpaid rent.

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

### Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenant. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$28.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep \$78.00 of the tenant's \$405.00 security deposit in full satisfaction of the claim.

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: February 9, 2011

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Residential Tenancy Branch