



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order for compensation under the Act and the tenancy agreement, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Although duly served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on October 20, 2010, and deemed under the Act to be received five days later, the Tenant did not appear.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

Background and Evidence

Based on the affirmed testimony and the evidence provided by the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy for unpaid rent on June 29, 2010.

The evidence of the Landlord is that the Tenant vacated the property on or about July 9, 2010, however, the Landlord is still owed rent in the amount of \$3,350.00. The Landlord is holding a security deposit of \$500.00 paid on or about July 1, 2009.

The Landlord claims \$3,350.00 in rent owed.

Analysis

Based on the testimony and evidence, and a balance of probabilities, I find that the Tenant has breached the Act by failing to pay the Landlord rent money when due.

Section 67 of the Residential Tenancy Act states:

Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

I find that the Landlord has established a total monetary claim of **\$3,400.00** comprised of \$3,350.00 in unpaid rents and the \$50.00 fee paid for this application.

I order that the Landlord retain the deposit of **\$500.00** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$2,900.00**.

This order must be served on the Tenant, and may be filed in the Provincial Court (Small Claims) 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: February 08, 2011.

Residential Tenancy Branch