



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent and money owed or compensation for damage or loss, to retain the tenant's security deposit, and to recover the filing fee.

The parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in documentary form, and make submissions to me.

Issue(s) to be Decided

Has the landlord established an entitlement to a monetary order, an order authorizing the landlord to retain the security deposit and recovery of the filing fee, under authority of the Residential Tenancy Act (the "Act")?

Background and Evidence

This fixed term tenancy began on November 20, 2007, was converted to a month to month tenancy on December 1, 2009, ended on April 26, 2011, monthly rent was \$2,800.00, monthly utilities for \$200.00, and the tenant paid a security deposit of \$1,500.00 on or about November 20, 2007.

The landlord's monetary claim listed on their application is in the amount of \$8,605.00, which includes unpaid rent and utilities of \$3,000.00 for February and March each, and unpaid rent of \$2,400 (April 1-26th) and unpaid utilities of \$200.00 for April. The difference of \$5.00 stems from that amount, outstanding from a January 2011, deficit.

The tenant acknowledged that she owed this amount, less her security deposit, and would be paying the same.

The tenant acknowledged that she understood the landlord is entitled to and would be receiving a monetary order, to include the filing fee.

Analysis

Based on the above testimony and evidence, the tenant's agreement, and on a balance of probabilities, I find as follows:

I find that the landlord has established a total monetary claim of **\$8,705.00** comprised of outstanding rent and utilities of **\$8,605.00** and the **\$100.00** fee paid by the landlord for this application.

At the landlord's request, I allow the landlord to retain the tenant's security deposit and interest of **\$1525.13** in partial satisfaction of the claim and I grant the landlord an order under section 67 of the Act for the balance due of **\$7,179.87**.

I am enclosing a monetary order for **\$7,179.87** with the landlord's Decision. This order is a **final, legally binding order**, and may be filed in the Provincial Court (Small Claims) for enforcement should the tenant fail to comply with this monetary order.

Conclusion

The landlord is granted a monetary order in the amount of \$7,179.87.

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: August 16, 2011.

Residential Tenancy Branch