



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNR, OPR, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matter

At the onset of the Hearing, the Landlord stated that the Tenants had vacated the unit and that an order of possession was no longer required. Accordingly, this part of the application is dismissed.

### Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

### Background and Evidence

The tenancy began on August 1, 2010 and ended mid August 2011. Rent in the amount of \$650.00 was payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$325.00. The Tenant failed to pay rent for the month of July 2011 and on July 2, 2011 the Landlord served the Tenant with a notice to end tenancy for non-payment of rent by posting the Notice on the door. The Tenant vacated the unit in mid August and the Landlord claims unpaid rent for the month of July 2011 in the amount of \$650.00. The Landlord rented the unit to new tenants for September 1, 2011.

### Analysis

Based on the Landlord's undisputed evidence, I find that the Tenant failed to pay the rent for July 2011 and that the Landlord is therefore entitled to the amount of \$650.00 for this unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$700.00. The security deposit of \$325.00 is set off against this amount, leaving a remaining amount of \$375.00 owing to by the Tenant to the Landlord.

### Conclusion

**I order** that the Landlord retain the **deposit** and interest of \$325.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$375.00**. If necessary, this order may be filed in the Small Claims Court 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: September 13, 2011.

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Residential Tenancy Branch