



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order for unpaid rent;
2. An Order to retain the security and/or pet deposit; and
3. An Order to recover the filing fee pursuant to Section 72.

The landlord gave evidence that the tenant was served with the Application for Dispute Resolution and Notice of Hearing by way of courier on June 13, 2011 during the Canada Post mail strike. The landlord testified further that the landlord acknowledged having received the Application and Notice in electronic discussions between the parties. I therefore find that the landlord was duly served with the Application and Notice of hearing although he did not attend.

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

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord is entitled to monetary order for unpaid rent, permission to retain the security deposit in partial satisfaction of any rental arrears and recovery of the filing fee.

Background and Findings

Monetary Order

Rental Arrears

The landlord testified that the parties entered into a fixed term tenancy ending January 31, 2012. Despite the fixed term tenancy the tenant gave notice on May 30, 2011 that he would be vacating at the end of June 2011. The landlord testified that the tenant did not pay rent for June and that he vacated the rental property on June 15, 2011. As the landlord was able to secure a new tenant for July 1, 2011 the landlord is only seeking recovery of rent for the month of June 2011 in the sum of \$925.00. Based on the undisputed evidence of the landlord I will award the landlord that sum.

Security Deposit

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rent for June 2011	\$925.00
Filing Fees for the cost of this application	50.00
Less Security Deposit Paid February 1, 2011 (no interest accruing)	-450.00
Total Monetary Award	\$525.00

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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.

Residential Tenancy Branch