



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MND, MNSD, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, late fees, cost of repairs and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

The notice of hearing was served on the tenant on August 09, 2011 by registered mail. The landlord filed a tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out on July 21, 2011. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent, late fees, cost of repairs and the filing fee? Is the landlord entitled to retain the security deposit in satisfaction of her claim?

### **Background and Evidence**

The landlord testified that the tenancy started on August 01, 2010 for a fixed term of one year. The monthly rent was \$1,500.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$750.00. The tenant failed to pay rent for July and on July 12, 2011; the landlord served the tenant with a ten day notice to end tenancy. The tenant also owed \$10.00 in late fees from the prior month.

On July 20, 2011 both parties conducted a move out inspection. The tenant signed the report and agreed to allow the landlord to retain \$315.00 from the security deposit.

The landlord is claiming the following:

1.	Rent for July 2011	\$1,500.00
2.	Late fees for July	\$25.00
3.	Outstanding late fees	\$10.00
4.	Agreed upon deduction from the security deposit	\$315.00
5.	Filing fee	\$50.00
	Total	<b>\$1,900.00</b>

### **Analysis**

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant owes \$1,500.00 for rent for July 2011 plus late fees in the total amount of \$35.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$1,900.00. I order that the landlord retain the security deposit of \$750.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order for **\$1,150.00**

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 06, 2011.

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Residential Tenancy Branch