



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The tenant did not participate in the conference call hearing. The landlord presented evidence showing that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on August 20. I was satisfied that the tenant had been properly served with notice of the claim and the hearing proceeded in his absence.

At the hearing the landlord advised that the tenant had vacated the rental unit and she withdrew the claim for an order of possession. The hearing proceeded to address the claim for a monetary order. The landlord asked to amend her claim to include charges for cleaning, but as the tenant had no notice of a claim for cleaning, I denied the request for an amendment. The landlord is free to bring this claim at a future date.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on November 1, 2007 at which time the tenant paid a \$425.00 security deposit. The tenant failed to pay \$459.65 of his rent in August.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to pay \$459.65 of his rent in August. I award the landlord \$509.65 which represents August rental arrears and the \$50.00 filing fee paid by the landlord to bring this application.

Conclusion

The landlord is awarded \$509.65. Section 72 of the Act permits me to apply the security deposit to a monetary order granted to a landlord and I find it appropriate to do so in this instance. I order the landlord to retain the \$432.85 security deposit and interest in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$76.80. This order may be filed in the Small Claims Division of the Provincial 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 22, 2011

Residential Tenancy Branch