



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing dealt with an application by the landlord for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit.

The notice of hearing was served on the tenant on September 20, 2011, by registered mail. The landlord provided a tracking number. 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.

At the beginning of the hearing, the landlord informed me that the tenant had moved out on September 30, 2011. Since the tenant has moved out, the landlord's application for an order of possession is moot and accordingly dismissed. Therefore this hearing only dealt with the landlord's application for a monetary order for unpaid rent, the filing fee and to retain the security deposit.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The tenancy started on November 01, 2010. The rent was \$1,564.00 due on the 1st of the month. Prior to moving in the tenant paid a security deposit of \$782.50. The tenant failed to pay rent for September 2011 and on September 08; the landlord served the tenant with a ten day notice to end tenancy. On September 26, the tenant paid \$500.00 towards rent and moved out on September 30, 2011. The landlord is applying for a monetary order for the balance of rent for September (\$520.00) plus the filing fee (\$50.00).

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. In the absence of evidence to the contrary, I find that the tenant owes \$520.00 for rent for September 2011. The landlord has proven his 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 \$570.00. I order that the landlord retain this amount from the security deposit of \$782.50.

Conclusion

I order the landlord to retain \$570.00 from the security deposit of \$782.50. The landlord will deal with the balance of the security deposit in accordance with s.38 of the *Residential Tenancy Act*

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: October 18, 2011.

Residential Tenancy Branch