



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, 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. A Monetary Order for compensation – Section 67;
4. An Order to retain the security deposit - Section 38; and
5. 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 advised that as the Tenant has vacated the unit and returned the keys, the Landlord no longer requires an Order of Possession. Accordingly, the claim in relation to the Order of Possession is not considered in this Decision.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on July 15, 2010 and the Tenant moved out of the unit on January 15, 2012 after being given a Notice to End Tenancy for non-payment of January 2012 rent. Rent in the amount of \$545.00 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 \$272.50. The Landlord claims unpaid rent in the amount of \$545.00.

Analysis

Based on the Landlord's evidence, I find that the Tenant failed to pay rent for January 2012 and that the Landlord is therefore entitled to the monetary amount of \$545.00. The Landlord is entitled to recovery of the \$50 filing fee, for a total entitlement of **\$595.00**. The **security deposit** plus interest of **\$272.50** is set off from this amount leaving the remaining amount of **\$322.50** owing by the Tenant to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$272.50 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$322.50**. 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: January 30, 2012.

Residential Tenancy Branch