



Dispute Resolution Services

Page: 1

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 for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on December 15, 2011. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about October 1, 2011. Rent in the amount of \$1400.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$700.00.

The landlords agent gave the following testimony; the tenant made no payments for the month of December 2011, gave the landlord notice on December 3, 2011 that she would be moving out on December 6, 2011, the landlord conducted a move in and move out condition inspection report, the tenant did not agree with the move out report, the landlord was able to rent the unit for December 15, 2011, the landlord advised the unit was left in very good condition upon the tenant's move out, the landlord is seeking

\$700.00 for half a month's rent for the month of December, \$700.00 for liquidated damages as per their tenancy agreement, and \$25.00 late fee per the tenancy agreement.

Analysis

I accept the landlord's agent's undisputed testimony. The landlords' agent provided documentary evidence to support his claim. The tenant chose not to dial in or submit any documentary evidence to be considered.

The landlord has been successful in his application.

As for the monetary order, I find that the landlord has established a claim for \$1425.00 in unpaid rent, liquidated damages and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$700.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$775.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$775.00. The landlord may retain the security deposit.

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: February 22, 2012.

Residential Tenancy Branch