



# Dispute Resolution Services

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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 for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant 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.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This tenancy began September 1, 2009 with monthly rent of \$1354.40 and the tenant paid a security deposit of \$687.50.

The landlord testified that on September 9, 2011 the tenant gave the landlord notice to vacate the rental unit effective September 30, 2011. The landlord stated that when the tenant vacated the rental unit, the tenant owed the landlord \$666.90 rent for September 2011. The landlord stated that they were unable to re-rent the unit for October and are seeking \$1354.40 for the loss of the October 2011 rent.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent and loss.

The tenant did not pay all of the September 2011 rent nor did the tenant provide the landlord with proper notice to vacate the rental unit, resulting in a loss of rental income for October 2011.

Accordingly I find that the landlord is entitled to a monetary order for \$2021.30.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$2021.30 in unpaid rent and loss. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$687.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$1383.80**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: March 27, 2012

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Residential Tenancy Branch