



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

**MNR, MNSD, MNDC, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent, damage or loss, to retain all or part of the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord stated provided affirmed testimony that on February 14, 2012, in the afternoon, she personally served copies of the Application for Dispute Resolution and Notice of Hearing to the tenant in the yard at his place of work. The tenant became upset and yelled at the landlord, which was witnessed by people who were in the yard.

These documents are deemed to have been served in accordance with section 89 of the *Act*; however the tenant did not appear at the hearing.

### Issue(s) to be Decided

Is the landlord entitled to compensation for unpaid rent in the sum of \$200.00?

Is the landlord entitled to compensation for cable costs in the sum of \$80.00?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy commenced on October 14, 2011; a tenancy agreement was signed, a copy was not supplied as evidence. Rent was \$800.00 per month, due on the first day of each month. The tenant planned on moving into the unit on November 1, 2011.

On October 14, 2011, a deposit in the sum of \$400.00 was paid.

The tenant took possession of the rental unit on October 21, 2011. He had agreed to complete some yard work in lieu of rent owed in October, 2011; but he did not do so and did not pay rent for October.

The landlord is claiming loss of rent revenue for the period of time the tenant lived in the unit during October; 10 days.

The landlord purchased an extra cable box for the tenant and he had verbally agreed to pay \$40.00 per month; the tenant did not pay for cable. The landlord did not supply verification of the sum claimed.

The landlord was not given a forwarding address in writing but wishes to return the balance of the deposit to the tenant.

### Analysis

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$200.00 from October 21 to October 31, 2011, and that the landlord is entitled to compensation in that amount.

In the absence of verification of the sum claimed for cable costs, I find that this portion of the claim is dismissed.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit in the amount of \$250.00 in satisfaction of the monetary claim.

As suggested by Residential Tenancy Branch policy, I Order the landlord to return the balance of the deposit, in the sum of \$150.00, to the tenant. A monetary order in that sum has been issued to the tenant.

### Conclusion

I find that the landlord has established a monetary claim, in the amount of \$250.00, which is comprised of \$200.00 unpaid October, 2011, rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit in the amount of \$250.00 in satisfaction of the monetary claim.

Based on these determinations I grant the tenant a monetary Order for the balance of the security deposit in the sum of \$150.00. In the event that the landlord does not comply with this Order, it may be served on the landlord, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

The claim for cable costs is dismissed.

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: April 17, 2012.

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Residential Tenancy Branch