



# 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 scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an order of possession, a monetary Order for unpaid rent, damage or loss, to retain the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on April 4, 2012, at approximately 4 p.m. he personally served the tenant with copies of the Application for Dispute Resolution and Notice of Hearing at the rental unit address.

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

### Preliminary Matters

The tenant vacated the rental unit on April 9, 2012; therefore, the landlords withdrew the request for an order of possession.

There was no claim for damage or loss before me; the landlord is at liberty to reapply.

### Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to retain the deposit paid by the tenant?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy commenced on January 1, 2011; rent was \$850.00 due on the last day of each month. A deposit in the sum of \$425.00 was paid. There was a signed tenancy agreement; a copy was not submitted as evidence.

The tenant paid \$400.00 rent in January and did not pay any rent in February or March, 2012; the landlord has claimed compensation in the sum of \$2,150.00.

A 10 Day Notice ending tenancy for unpaid rent was given to the tenant on March 23, 2012.

### Analysis

I find, in the absence of the tenant who was served with Notice of this hearing; that the landlord is entitled to compensation for unpaid rent from January to March, 2012, inclusive in the sum of \$2,150.00.

The landlord will retain the deposit in the sum of \$425.00, in partial satisfaction of the claim.

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

### Conclusion

I find that the landlord established a monetary claim, in the amount of \$2,200.00, which is comprised of unpaid rent from January to March, 2012, inclusive and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will retain the deposit in the sum of \$425.00, in partial satisfaction of the claim.

Based on these determinations I grant the landlord a monetary Order for \$1,775.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia 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: April 24, 2012.

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Residential Tenancy Branch