



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said he served the Tenant in person on March 9, 2012 (at her workplace) with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issue(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

Background and Evidence

This fixed term tenancy started on September 1, 2011 and was to expire on September 1, 2012 however it ended on January 31, 2012 when the Tenant moved out. Rent was \$700.00 per month payable in advance on the 1st day of each month. The Landlord said the Tenant was supposed to pay \$350.00 for a security deposit but instead paid only \$200.00.

The Landlord said the Tenant had rent arrears of \$140.00 for December 2011 and did not pay rent for January 2012 when it was due and as a result, he served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated January 19, 2012. The Landlord said the Tenant did not pay the rent arrears for December 2011 or January 2012.

Analysis

In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to recover unpaid rent for December 2011 in the amount of \$140.00 and for January 2012 in the amount of \$700.00. I also find that the Landlord is entitled pursuant to s. 72 of the Act to recover from the Tenant the \$50.00 filing fee he paid for this proceeding.

I Order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit of \$200.00 in partial payment of the monetary award. The Landlord will receive a Monetary Order for the balance owing of \$690.00.

Conclusion

A Monetary Order in the amount of **\$690.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, 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: April 02, 2012.

Residential Tenancy Branch