



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

The notice of hearing was served on the tenant on March 15, 2012 by registered mail. The landlord filed a tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out sometime during the first week of March, without informing the landlord. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit in satisfaction of her claim?

Background and Evidence

The landlord testified that the tenancy started on November 01, 2011 for a fixed term of one year. The monthly rent was \$675.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$337.50. The tenant failed to pay rent for March and on March 02, 2012; the landlord served the tenant with a ten day notice to end tenancy.

On March 06, the landlord posted a 24 hour notice on the tenant's door and entered the unit on March 07, 2012 to conduct an inspection. The landlord found the unit unoccupied.

The landlord is claiming rent for March (\$675.00) plus the filing fee (\$50.00) and to retain the security deposit.

Analysis

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant owes \$675.00 for rent for March 2012. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$725.00. I order that the landlord retain the security deposit of \$337.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$387.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$387.50**.

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 03, 2012.

Residential Tenancy Branch