



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 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 22, 2012 by registered mail. The landlord provided a tracking number. 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 on March 31, 2012. 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 September 25, 2011. The monthly rent was \$1,100.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement. Prior to moving in, the tenant paid a security deposit of \$550.00. The tenant failed to pay rent for February and March 2012. On March 05, 2012; the landlord served the tenant with a ten day notice to end tenancy.

The tenant did not dispute the notice nor did the tenant pay the outstanding rent. The tenant moved out on March 31, 2012. The landlord stated that the unit was left in a dirty condition and needs cleaning. The landlord has not found a tenant for April and is requesting for loss of income for the first half of April in addition to unpaid rent for February and March 2012.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes rent for February and March 2012 (\$2,200.00). I further find that the landlord is entitled to loss of income for the first half of April (\$550.00). 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 \$2,800.00. I order that the landlord retain the security deposit of \$550.00 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 \$2,250.00. 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 **\$2,250.00**.

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 05, 2012.

Residential Tenancy Branch