



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order for unpaid rent;
2. An Order to retain the security and/or pet deposit; and
3. An Order to recover the filing fee pursuant to Section 72.

The tenants did not appear. The landlords submitted that he served the tenants with the Application for Dispute Resolution and notice of this hearing by way of registered mail sent to an address at which the tenants are believed to be residing. Based on the evidence of the landlord I am satisfied that the tenants have had notice of this hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord is entitled to monetary order for unpaid rent, permission to retain the security deposit in partial satisfaction of any rental arrears and recovery of the filing fee.

Background and Findings

Monetary Order

Rental Arrears

The landlord testified that the tenants vacated the rental unit without having paid rent for December 2011 or January 2012. The landlord testified that rent was fixed at \$1,800.00 per month. The landlord claims full rent for December. The landlord testified further that

he was able to re-rent the premises for the last few days of January 2012 and is therefore only claiming \$1,400.00 for January's rent. I accept the undisputed testimony of the landlord and will issue a monetary award in the landlord's favour in the sum of rears in the sum of \$3,200.00.

Security Deposit

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$3,200.00
Less Security Deposit (no interest accrued)	-900.00
Total Monetary Award	\$2,350.00

Conclusion

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any other Order of the Provincial Court of British Columbia.

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 12, 2012.

Residential Tenancy Branch