



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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1:41 p.m. in order to enable her to connect with this hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she posted the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenant's door on April 5, 2012. The landlord testified that she sent the tenant a copy of the landlord's dispute resolution hearing package by registered mail on April 26, 2012. She provided a copy of the Canada Post Tracking Number and Customer Receipt. I am satisfied that the landlord served the above documents to the tenant in accordance with the *Act*.

At the commencement of the hearing, the landlord said that the tenant vacated the rental unit on April 30, 2012, without leaving any forwarding address. As such, the landlord withdrew the application for an end to the tenancy and an Order of Possession, and reduced the amount of the requested monetary award from \$2,300.00 to \$1,600.00 to reflect the tenant's departure from the rental unit before May 1, 2012. The landlord's application for an Order of Possession is withdrawn and the requested monetary award is amended accordingly.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent and losses arising out of this tenancy? Is the landlord entitled to retain all or a portion of the tenant's security deposit

in partial satisfaction of the monetary award requested? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that the tenant initially occupied the rental unit on January 15, 2012, on the basis of a one-year fixed term tenancy. At the expiration of this initial term, the tenant entered into another one-year fixed term that ended on December 31, 2011. At that point, the tenancy continued as a periodic tenancy with \$750.00 in monthly rent payable in advance on the first of each month. The landlord continues to hold the tenant's \$375.00 security deposit paid on or about January 15, 2010.

Analysis

Based on the landlord's undisputed oral and written evidence, I find that the tenant has not paid any portion of the \$750.00 in rent owing from March and April 2012. I also find that the tenant has not paid the two NSF fees of \$25.00 applied to this tenancy when she failed to pay her rent for March and April 2012. I find that the landlord is entitled to a monetary award of \$1,550.00 for the above items.

I allow the landlord to withhold the tenant's \$375.00 security deposit plus applicable interest in partial satisfaction of the above monetary award. No interest is payable over this period. Since the landlord has been successful in this application, I allow the landlord to recover the \$50.00 filing fee for this application from the tenant.

Conclusion

I issue a monetary Order in the landlord's favour in the following terms which allows the landlord to recover unpaid rent, losses arising out of this tenancy and the filing fee for this application and to retain the tenant's security deposit:

Item	Amount
Unpaid March 2012 Rent	\$750.00
Unpaid March 2012 NSF Fee	25.00
Unpaid April 2012 Rent	750.00
Unpaid April 2012 NSF Fee	25.00
Less Security Deposit	-375.00
Recovery of Filing Fee for this application	50.00
Total Monetary Order	\$1,225.00

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to

comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

The landlord's application for an end to this tenancy and an Order of Possession is withdrawn.

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: May 14, 2012

Residential Tenancy Branch