



# 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 his claim.

The notice of hearing was served on the tenant on April 13, 2012 in person by the landlord, in the presence of a witness. 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 April 15, 2012. Since the tenant has moved out, the landlord withdrew his 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 his claim?

### **Background and Evidence**

The landlord testified that the tenancy started on October 01, 2011. Prior to moving in, the tenant paid a security deposit of \$340.00. The monthly rent was \$680.00 due in advance on the first of each month.

On April 03, 2012, the tenant gave the landlord written notice to end the tenancy effective May 01, 2012. The tenant also paid rent for half the month and asked the landlord to use the security deposit for the remainder. The landlord did not agree and served the tenant with a notice to end tenancy for non payment of rent. In addition the landlord's bank did not honour the money order that the tenant paid in the amount of \$340.00 for the first half of April.

The tenant moved out on April 15, 2012 and left the rental unit in a fairly good condition. The landlord found a new tenant for May 01 and is claiming unpaid rent for April in the amount of \$680.00.

**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 April 2012. The landlord has proven his 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 \$730.00. I order that the landlord retain the security deposit of \$340.00 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 \$390.00. 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 **\$390.00**.

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: May 01, 2012.

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Residential Tenancy Branch