



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, O, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, money owed or compensation due to damage or loss, other and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

The landlord testified that the tenant broke the terms of the fixed term tenancy which had an end date of November 2012 when he vacated the rental unit April 30, 2012.

The landlord stated that the tenant stopped paying the \$1600.00 per month rent in April 2012 and that the landlord has also been left responsible for paying the \$200.00 fine that was given to the tenant by the strata council.

The landlord stated that she is not going to continue renting out the unit and is only seeking the loss for the April 2012 rent. the landlord stated that she has not yet paid the strata fine and understand that when she does she may make a new application to recover that loss.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$1600.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$1600.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$800.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$850.00**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: June 14, 2012

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Residential Tenancy Branch