



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

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

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on September 2, 2009 on a fixed term to August 31, 2010. The Tenant moved out of the unit on August 31, 2010. Rent in the amount of \$3,200.00 was payable in advance on the first day of each month. The Landlord collected a security deposit from the Tenant in the amount of \$3,200.00 from the Tenant’s previous tenancy start date of September 2, 2008. The Tenant failed to pay rent for June, July and August 2010. The Landlord claims \$9,600.00 in unpaid rent.

Analysis

Section 7 of the Act provides that where a tenant does not comply with the Act, regulation or tenancy agreement, the tenant must compensate the landlord for damage or loss that results. Given the undisputed evidence of the Landlord, I find that the Tenant has failed to pay rent for the months of June, July and August 2010 and that the Landlord is entitled to a monetary amount of \$9,600.00. The Landlord is also entitled to recovery of the \$50.00 filing fee for a total entitlement of **\$9,650.00**. Setting the security deposit plus interest of **\$3,215.87** off the entitlement leaves **\$6,434.13** owed by the Tenant to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$3,215.87 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$6,434.13**. If necessary, this order may be filed in the Small Claims Court 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 12, 2012.

Residential Tenancy Branch