



# 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 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 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 1:46 p.m. in order to enable him to connect with this teleconference 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 a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) was posted on the tenant's door on May 2, 2012. The landlord testified that a copy of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on May 30, 2012. The landlord provided the Canada Post Tracking Number to confirm this mailing. I am satisfied that the above documents were served to the tenant in accordance with the *Act*.

At the commencement of the hearing, the landlord said that the tenant had vacated the rental unit by June 11, 2012. She withdrew the landlord's application to end this tenancy and an Order of Possession, as the landlord already has possession of the rental unit. The application for an Order of Possession is withdrawn.

### Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent? 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?

### Background and Evidence

This one-year fixed term tenancy commenced on July 1, 2011. Monthly rent is set at \$850.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$425.00 security deposit paid on June 2, 2011 and the tenant's \$60.00

garage remote opener deposit paid on June 30, 2011. The landlord testified that the tenant has not paid anything towards the May or June rents for this tenancy.

### Analysis

Based on the undisputed evidence before me, I find that the landlord is entitled to a monetary award of \$850.00 for unpaid rent owed for each of May 2012 and June 2012. I allow the landlord to retain the tenant's security and garage remote opener deposits plus applicable interest in partial satisfaction of the monetary award issued in this decision. No interest is payable over this period. As the landlord has been successful in this application, I allow the landlord to recover the filing fee for this application.

### Conclusion

The landlord's application for an Order of Possession is withdrawn.

I issue a monetary award in the landlord's favour in the following terms which allows the landlord to recover unpaid rent and the filing fee for this application and to retain the tenant's security and garage opener deposits in partial satisfaction of this monetary award:

Item	Amount
Unpaid May 2012 Rent	\$850.00
Unpaid June 2012 Rent	850.00
Less Security Deposit	-425.00
Less Garage Remote Opener Deposit	-60.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$1,265.00</b>

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. 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 21, 2012

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Residential Tenancy Branch