

DECISION

Dispute Codes MNSD, 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. An Order to retain the security deposit - Section 38; 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 retain the security deposit?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on February 3, 2012 on a fixed term to July 31, 2012. The Tenant provided no notice and vacated the unit returning the keys on May 23, 2012. The Tenant failed to pay rent for May 2012. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$675.00 and a pet deposit of \$300.00. The Landlord acknowledges that its claim is limited to \$1,050.00.00.

Analysis

Section 26 of the Act provides that a tenant must pay rent when it is due under the tenancy agreement. Based on the undisputed evidence of the Landlord, I find that the Tenant failed to pay rent for May 2012 and that the Landlord has therefore

substantiated an entitlement to the amount claimed of \$1,050.00, I also find that the Landlord is entitled to recovery of the \$50.00 filing fee for a total entitlement of \$1,100.00. Setting the security and pet deposit in the combined amount of \$975.00 plus zero interest off the entitlement leaves the amount of **\$125.00** payable by the Tenant to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$975.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$125.00**. 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: July 31, 2012.

Residential Tenancy Branch