



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 was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security and pet deposits, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant applied requesting orders the landlord comply with the Act, make repairs to the unit, provide service or facilities required by law, for rent reduction and to recover the filing fee costs.

The landlord was present and gave affirmed testimony that on August 25, 2012, at 5:30 p.m. she personally served the tenant with Notice of the hearing. The landlord served the tenant while he was at the unit above his; the occupants of that unit witnessed service occur. These documents are deemed to have been served in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

The landlord was served with Notice of the tenant's hearing.

Preliminary Matters

The landlord withdrew the request for an Order of possession, as the tenant vacated the unit several days ago and the landlord now has possession of the unit.

As the tenant failed to attend the hearing within 10 minutes of the start time, I dismissed his application.

The landlord's application was amended to include unpaid September, 2012 rent in the sum of \$600.00.

Issue(s) to be Decided

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

May the landlord retain the deposit paid by the tenants?

Is the landlord entitled to filing fee costs?

Background and Evidence

A copy of the tenancy agreement supplied as evidence indicated that the tenancy commenced on June 1, 2012, rent was \$600.00 per month, due on the first day of each month. A pet and damage deposit of \$300.00 each was paid.

The tenant did not pay August 2012 rent and did not pay September rent. The landlord has requested compensation in the sum of \$1,200.00 for rent arrears.

Analysis

In the absence of evidence to the contrary, I find that the tenant has failed to pay August and September 2012 rent in the sum of \$1,200.00 and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security and pet deposits in the amount of \$600.00, in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$1,250.00, which is comprised of unpaid rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security and pet deposits in the amount of \$600.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$650.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 19, 2012.

Residential Tenancy Branch