



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts. At the beginning of the hearing, the Parties advised me that the Tenant is in the process of moving out of the rental unit and as a result, the Landlord withdrew her application for an Order of Possession.

Issue(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit?

Background and Evidence

This month-to-month tenancy started on May 8, 2004. Rent is \$1,027.00 per month payable in advance on the first day of each month. The Tenant paid a security deposit of \$437.50 at the beginning of the tenancy. The Parties agree that the Tenant has rent arrears of \$109.00 for July, 2012 and that no rent for August and September 2012 has been paid.

Analysis

Based on the evidence of the Parties, I find that the Landlord is entitled to recover rent arrears for July, August and September 2012 in the total amount of \$2,163.00. I also find pursuant to s. 72(1) of the Act that the Landlord is entitled to recover from the Tenant the \$50.00 filing fee she paid for this proceeding.

I Order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit of \$437.50 and accrued interest of \$15.50 in partial payment of the monetary award. The Landlord will receive a Monetary Order for the balance owing of \$1,760.00.

Conclusion

The Landlord's application for an Order of Possession is withdrawn. A Monetary Order in the amount of **\$1,760.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, 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: September 20, 2012.

Residential Tenancy Branch