



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on September 28, 2012 copies of the Application for Dispute Resolution and Notice of Hearing were personally given to the tenant at the rental unit at approximately 8:30 a.m.

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.

Preliminary Matters

The details of the dispute section of the application included a claim for additional compensation; costs for an additional occupant and miscellaneous costs. The landlord withdrew that portion of his application.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid September 2012 rent?

Background and Evidence

The tenancy commenced on July 1, 2012, rent was \$750.00 per month, due on the first day of each month. A deposit in the sum of \$375.00 was paid.

On August 26, 2012, the tenant was given a 1 Month Notice to end Tenancy which had an effective date of September 30, 2012.

The tenant did not pay September rent owed; the landlord agreed to deduct the deposit from rent owed for that month.

The landlord has applied claiming rent owed for September and would like to have the deposit set off against the amount owed.

Analysis

In the absence of the tenant who was served with Notice of this hearing, I find that the landlord is entitled to compensation in the sum of \$950.00 for unpaid September 2012 rent.

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.

Therefore, the landlord has established a monetary claim, in the amount of \$1,025.00, which is comprised of unpaid September 2012 rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant. Therefore, I find that the landlord may retain the tenant's security deposit in the amount of \$375.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for \$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.

Conclusion

The landlord is entitled to compensation in the sum of \$1,025.00 composed of unpaid rent and the filing fee cost.

The landlord will retain the \$375.00 deposit in partial satisfaction of the claim.

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: November 01, 2012.

Residential Tenancy Branch