



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave undisputed testimony. The Tenant did not submit any documentary evidence. As both parties have attended and have confirmed receipt of the submitted evidence, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background, Evidence and Analysis

This Tenancy began on May 1, 2002 on a fixed term tenancy until April 30, 2003 and then thereafter on a month to month basis as shown by the submitted signed tenancy agreement. The monthly rent is \$599.96 payable on the 1st of each month and a security deposit of \$280.00 was paid on April 17, 2002.

The Landlord seeks a monetary claim of \$754.98. This consists of lost rental income of \$599.98 (November 2012 rent) and \$155.00 maintenance charges (two missing blinds). Both parties agreed that the Tenant failed to provide 1 months notice to end the tenancy due to the Tenant's medical condition. The Tenant does not dispute the Landlord's claims.

I find based upon the undisputed testimony of both parties that the Landlord has established a monetary claim for \$754.98. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$280.00 security deposit and

the \$9.92 in accrued interest. ($\$754.98 \text{ claim} + \$50.00 \text{ filing fee} = \$804.98 - \$289.92 = \515.06) I grant the Landlord a monetary order for \$515.06. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$515.06.
The Landlord may retain the security deposit.

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: January 30, 2013

Residential Tenancy Branch

