



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes:** MN, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order to retain the security and/or pet deposit pursuant to Section 38; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Application for Dispute Resolution hearing package by way of registered mail of which the tenant declined delivery.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### **Issue(s) to be Decided**

Whether the landlord is entitled to monetary order for compensation for damage and/or loss and whether the landlord is entitled to recovery of the filing fee paid for this application.

## **Background and Findings**

### **Monetary Order**

The undisputed evidence of the landlord is that the parties entered into a tenancy agreement as follows: occupancy would commence November 1, 2012, rent was set at \$1,800.00 per month and the tenant paid a security deposit of \$900.00 on October 7, 2012.

On October 24, 2012 the tenant gave the landlord notice that he no longer intended to move in to the rental unit. The landlord testified that he advertised the rental unit right away and began showing the unit but interested parties were not willing or able to start the tenancy until December 1, 2012. The landlord eventually secured a tenant who wished to begin her tenancy on November 15, 2012. The landlord is therefore claiming one-half of a month's rent of \$900.00 which is the total of the security deposit he holds and he is seeking to retain that deposit.

I accept the undisputed evidence of the landlord and will award him \$900.00 in full satisfaction of this claim inclusive of the \$50.00 filing fee. To realize this sum I will allow the landlord to retain the \$900.00 security deposit that he holds.

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: February 05, 2013

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Residential Tenancy Branch

