



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES LIMITED  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** MNR, 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 for unpaid rent;
2. An Order to retain the security and/or pet deposit; and
3. An Order to recover the filing fee pursuant to Section 72.

The landlord gave evidence that the tenant was served with the claim and Notice of Hearing by way of registered mail. I am therefore satisfied that the tenant has had notice of this claim and this hearing.

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**

Is the landlord is entitled to monetary order for unpaid rent, liquidated damages and recovery of the filing fee as well as permission to retain the security deposit in full or partial satisfaction of any award made?

## **Background and Findings**

### **Monetary Order**

#### ***Rental Arrears***

The landlord testified that the tenant gave notice on December 22, 2012 and he vacated the suite on January 5, 2013. The landlord testified that the suite has not yet been rented and the landlord is claiming rent in lieu of notice for January 2013 in the sum of \$1,250.00.

Further, pursuant to the Tenancy Agreement the landlord is also claiming liquidated damages of \$805.33 because the tenant ended the tenancy prior to the end of its fixed term which is October 31, 2013.

Based on the undisputed evidence of the landlord I find that the landlord is entitled to the monies sought.

#### ***Security Deposit***

Having made a monetary award in favour of the landlord, the landlord is entitled to retain the security deposit and interest to the date of this decision in full or partial satisfaction of the award made.

#### ***Filing Fees***

Having been successful in this claim, I find that the landlord is entitled to recover the filing fees paid for this application.

### ***Calculation of total Monetary Award***

Rent in lieu of notice	\$1,250.00
Liquidated Damages	805.33
Filing Fees for the cost of this application	50.00
Less Security Deposit Paid August 20, 2009 (no interest accruing)	-625.00
<b>Total Monetary Award</b>	<b>\$1,480.33</b>

**Conclusion**

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any other Order of the Provincial Court of British Columbia.

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: April 03, 2013

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Residential Tenancy Branch

