



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he served the tenant with the application for dispute resolution and notice of hearing by registered mail on February 21, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant is deemed served with notice of the hearing on February 26, 2013, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began approximately five years ago. On or about July 1, 2005, the landlord collected a security deposit from the tenant in the amount of \$800. The security deposit was carried over to subsequent tenancy agreements. The most recent tenancy agreement between the landlord and the tenant began on October 28, 2012, with rent in the amount of \$1964 payable in advance on the first day of each month. The tenant vacated the rental unit on March 8, 2013, pursuant to an order of possession.

The landlord has claimed the following amounts:

- 1) \$3928 in unpaid rent and lost revenue for February and March 2013;
- 2) \$326.32 in unpaid utilities for August 2012 to December 2012;
- 3) \$189.00 in unpaid utilities for January through March 2013; and

- 4) \$550 in bylaw fines levied by the municipality for bylaw infractions by the tenant concerning unlicensed vehicles, car parts and construction debris on the rental property.

In support of the application, the landlord submitted copies of the bylaw fines, a copy of the most recent tenancy agreement and copies of letters sent by the landlord to the tenant regarding outstanding utilities and the bylaw fines.

Analysis

Based on the landlord's undisputed testimony, which he supported with documentary evidence, I find that the landlord is entitled to his monetary claim in full.

As the landlord's claim was successful, he is also entitled to recovery of the \$50 filing fee for the cost of his application.

Conclusion

The landlord is entitled to \$5049.32. I order that the landlord retain the deposit and interest of \$828.33 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4220.99. This order may be filed in the Small Claims Court 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: May 27, 2013

Residential Tenancy Branch