



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RANCHO MANAGEMENT SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

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

- a) A monetary order pursuant to Section 67;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord provided evidence that they served the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated April 4, 2013 for unpaid rent. The tenant disputed the Notice unsuccessfully and the landlord was granted an Order on Possession on April 22, 2013. Is the landlord now entitled to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend the hearing although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenant commenced living in the premises in 1992, a security deposit of \$600.00 was paid on December 1, 1992 and rent is currently \$1600 a month. It is undisputed that the tenant owes \$1600 rent for April 2013 and \$1.74 for March 2013. The landlord is claiming the rental arrears of \$1601.74 and requests to retain the security deposit to offset the amount owing. The tenant did not provide any documentary evidence or dispute the amount owing.

The landlord said the tenant had moved but it has cost them to remove junk and to clean. As explained to the landlord, I declined to hear this evidence on the principle of natural justice of fairness as the tenant had had no notice of these additional amounts and so no opportunity to respond to this evidence.

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

Analysis

Monetary Order

I find that there are rental arrears in the amount of \$1602.74 representing rental arrears for April 2013.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application. I give the landlord leave to reapply for additional amounts owed within the legislated limitation periods.

Calculation of Monetary Award:

Rental arrears	1601.74
Filing fee	50.00
Less security deposit and interest since 1992	- 753.53
Total monetary order to landlord	898.21

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 21, 2013

Residential Tenancy Branch

