



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for loss of income and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

The landlord testified that he served the tenant with the notice of hearing and evidence package by registered mail. The landlord stated that he found out where the tenant was residing from the tenant's former roommate. The landlord observed the tenant entering the home with her two children and mailed the registered letter to the tenant at this address. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for loss of income and for the recovery of the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started in April 2011 and ended on March 15, 2012 pursuant to a ten day notice to end tenancy for non payment of rent. The monthly rent was \$1,000.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$500.00.

The landlord testified that the tenant stopped paying rent in October 2011 and continued to occupy the rental unit until March 15, 2012 without paying rent. At the time the tenant moved out, she owed the landlord \$5,500.00 in unpaid rent.

The landlord had filed an application to recover unpaid rent in May 2012, but did not attend the hearing and it was dismissed with leave to reapply.

The landlord is claiming \$5,500.00 in unpaid rent plus \$100.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to his claim for unpaid rent. Since the landlord has proven his case, I also award him the recovery of the filing fee of \$100.00.

I order that the landlord retain the security of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$5,100.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order of **\$5,100.00**.

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: September 06, 2013

Residential Tenancy Branch

