



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BOORMAN INVESTMENT CO. LTD. (AS AGENT)
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking a monetary order for accrued rental arrears left by the tenant at the end of the tenancy. The landlord was also seeking to keep the security and pet damage deposits in partial satisfaction of the claim.

Despite being served with the hearing documents in person on September 25, 2013, the respondent did not appear and the hearing was held in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to compensation for rental arrears owed?

Background and Evidence

The tenancy began on July 1, 2013 with rent of \$1,650.00. A security deposit of \$825.00 and a pet damage deposit of \$825.00 were paid. A copy of the tenancy agreement is in evidence.

The landlord testified that the tenant fell into arrears for \$1,650.00 when rent was not paid for September 2013 and was served a Ten Day Notice to End Tenancy for Unpaid Rent. After a previous hearing on the tenant's application disputing the Notice, the parties came to an agreement to end the tenancy and the landlord obtained an Order of Possession.

The landlord testified that the tenant vacated on September 30, 2013 without paying the arrears and the landlord is now seeking compensation of \$1,650.00 for rent for September 2013.

Analysis

With respect to the rent, I find that section 26 of the Act states that rent must be paid when it is due. I find that the tenant did not pay in accordance with the Act and must now compensate the landlord for rental arrears in the amount of \$1,650.00.

Given the above, I find that the landlord has established a total monetary claim of \$1,700.00 comprised of \$1,650.00 rental arrears and the \$50.00 cost of this application. I order that the landlord retain the tenant's security deposit of \$825.00 and pet damage deposit of \$825.00 in partial satisfaction of the claim, leaving a balance still owed of \$50.00.

I hereby grant the Landlord an order under section 67 for \$50.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court. The remainder of the landlord's application is dismissed without leave.

Conclusion

The landlord is successful in the application and is granted an order to retain the tenant's security deposit and pet damage deposit for rental arrears owed.

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: December 17, 2013

Residential Tenancy Branch

