



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Tenant has confirmed in his direct testimony that he has received the Landlord's notice of hearing package and her submitted documentary evidence. The Landlord has also confirmed in her direct testimony that she has received the Tenant's documentary evidence. As such, I am satisfied that both parties have been properly served.

At the beginning of the hearing it was confirmed with both parties that the Tenant had vacated the rental unit on December 31, 2013 and that an order of possession was no longer required.

It was also clarified with both parties that the Landlord was seeking compensation for work not yet performed for damages and that this portion of the application was premature and is being withdrawn by the Landlord. No further action is required.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on October 13, 2012 on a fixed term tenancy ending on October 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The

monthly rent is \$1,000.00 payable on the 31st day of each month and a security deposit of \$500.00 was paid on October 13, 2012.

The Landlord states that the Tenant failed to pay rent of \$1,000.00 for December 2013 rent and was served with a 10 day notice to end tenancy issued for unpaid rent dated December 16, 2013. The notice states that the Tenant failed to pay rent of \$1,000.00 that was due on December 1, 2013. The notice also states an effective date of vacancy of December 27, 2013. The Tenant confirmed in both his documentary and direct testimony that he failed to pay the \$1,000.00 December rent.

Analysis

I accept the undisputed testimony of both parties and find that a claim has been established for unpaid rent of \$1,000.00 by the Landlord. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$500.00 security deposit in partial satisfaction of the claim and I grant a monetary order for \$550.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$550.00.
The Landlord may retain the security deposit.

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: January 16, 2014

Residential Tenancy Branch

