



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 hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent (\$2000.00) - Section 67;
3. An Order to retain the security deposit (\$500.00) - Section 38
4. An Order to recover the filing fee for this application (\$50.00) - Section 72.

Both parties participated in the hearing with their testimony, submissions, and document evidence and testimony during the hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the *relevant* evidence that they wished to present. The parties advised the tenant has vacated therefore an Order of Possession is not necessary and is preliminarily dismissed. The hearing proceeded on the merits of the landlord's monetary claim. The landlord's application states they are owed the rent for December 2013 and for January 2014 in the sum of the monthly payable rent - \$2000.00.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

This tenancy has ended. Rent in the amount of \$1000.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$500.00 retained in trust. The parties agree the tenant failed to pay the rent for December 2013 and on December 09, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant acknowledged they did not pay the rent and acted on the landlord's Notice to End by vacating December 20, 2013. The landlord's monetary claim is for the unpaid rent.

Analysis

Based on the relevant testimony and document evidence before me I find that the tenant has not paid the outstanding rent for December 2013. I find the landlord has established a monetary claim for the unpaid rent for December 2013. As the tenant vacated in accordance with the landlord's Notice the landlord is not entitled to the rent for January 2014 and that portion of their claim is **dismissed**. The landlord is further entitled to recovery of the \$50.00 filing fee. The security deposit will be off-set from the award herein.

Calculation for Monetary Order

Rental arrears	\$1000.00
Filing fee	50.00
<i>Less security deposit</i>	<i>-500.00</i>
Total monetary award	\$550.00

Conclusion

I Order that the landlord retain the deposit of \$500.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$550.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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 14, 2014

Residential Tenancy Branch

