



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sutton Group Medallion Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, SS, FF

Introduction

This was the hearing of an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the monetary claim. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not call in and did not participate, although he was personally served with the application for dispute resolution and Notice of Hearing on October 26, 2013.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for August rent?

Is the landlord entitled to retain the security deposit?

Background and Evidence

The rental unit is a residence in Surrey. The tenancy began on January 1, 2013. The monthly rent is \$1,350.00. The tenant paid a security deposit of \$675.00 at the start of the tenancy. There was a previous dispute resolution hearing with respect to this tenancy. In the earlier proceeding the landlord was granted a monetary order for unpaid rent for July and an order for possession dated August 8, 2013. The tenant did not move out of the rental unit until August 29th and paid no rent for August. The landlord has applied for a monetary order for August rent and for an order to retain the security deposit in partial satisfaction of the monetary order.

Analysis

I accept the landlord's evidence that the tenant occupied the rental unit for most of August without paying rent. As set out in the previous decision, the tenant was given a

rent reduction for July due to loss of use as a result of a flood, but the flood damage was repaired in early August and thereafter the tenant had full use of the rental property. The landlord was delayed by the tenant and prevented from completing the work sooner; I therefore find that the landlord is entitled to recover the full rent for August.

Conclusion

I award the landlord the sum of \$1,350.00 as unpaid rent for August. The landlord is entitled to recover the \$50.00 filing fee for a total award of \$1,400.00. I order that the landlord retain the security deposit of \$675.00 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$725.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

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: February 04, 2014

Residential Tenancy Branch

