



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on January 31, 2014 by registered mail to the rental unit. 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.

The landlord was notified by a neighbour that the tenant had moved out and after providing 24 hour notice of entry, on March 06, 2014, the landlord entered the unit and found that the tenant had moved out. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, the filing fee and to retain the security deposit?

Background and Evidence

The tenancy started on April 01, 2009. The accommodation was subsidised and the tenant's portion of the rent was \$435.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$387.50.

The landlord testified that the tenant failed to pay rent for January 2014. On January 08, 2014, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

As of the date of this hearing the tenant owed rent for the months of January, February and March 2014 for a total amount of \$1,304.73.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes rent in the amount of \$1,304.73. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

The landlord has established a total claim of \$1,354.73. I order that the landlord retain the security deposit of \$387.50 plus accrued interest of \$0.00 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 \$967.23. 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 for **\$967.23**.

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: March 19, 2014

Residential Tenancy Branch

