



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 pet deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on February 13, 2014, in person. 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.

At the start of the hearing the landlord informed me that the tenant had moved out on March 04, 2014. 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 pet deposit?

Background and Evidence

The tenancy started in August 2013. The rent was \$600.00 due in advance on the first day of each month. Prior to moving in, the tenant paid a pet deposit of \$500.00.

The landlord testified that the tenant owed \$100.00 in unpaid rent for December 2013 and \$300.00 for January 2014. On January 08, 2014, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$400.00. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

The landlord testified that as of the date of this hearing, in addition to \$400.00 in unpaid rent, the tenant owed rent for the month of February 2014 in the amount of \$600.00. The landlord was able to find a tenant for March 10, 2014 and is also claiming \$200.00 for loss of income in March 2014.

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 total amount of \$1,200.00. 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 \$1,250.00. I order that the landlord retain the pet deposit of \$500.00 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 \$750.00. 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 **\$750.00**.

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: April 02, 2014

Residential Tenancy Branch

