



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, CNR, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied 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 his monetary claim. The tenant applied to cancel the notice to end tenancy.

The landlord served the tenant with a copy of his application, notice of hearing and evidence by registered mail on February 19, 2014. The landlord filed a copy of the tracking slip into evidence. Despite having applied for dispute resolution and having been served with the landlord's application and evidence, the tenant did not attend the hearing. Therefore the tenant's application is dismissed without leave to reapply. This hearing only dealt with the landlord's application. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Since the tenancy has ended, the landlord's application for an order of possession is no longer necessary. Therefore, this hearing only dealt with the landlord's application for a monetary order.

### **Issues to be decided**

Is the landlord entitled to a monetary order for unpaid rent, and the filing fee? Is the landlord entitled to retain the security deposit in partial satisfaction of his claim?

### **Background and Evidence**

The landlord testified that the tenancy started on November 01, 2008. The monthly rent was \$750.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$375.00.

The tenant was repeatedly late paying rent and as of February 01 owed the landlord \$2,742.48. The landlord filed a statement of rent paid and rent owed.

On February 11, 2014, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The tenant continued to occupy the rental unit and moved out on or about April 01, 2014, without paying rent.

The landlord stated that the tenants left the apartment in a very messy condition. Garbage was strewn thorough out the unit and the tenant smoked inside the unit. The landlord is currently cleaning up the unit to restore it to a condition in which it can be rented out.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of his claim for unpaid rent. I find that as of the date of this hearing the tenant owes rent in the amount of \$3,492.48. Since the landlord has proven his claim, I find that he is entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$3,542.00. I order that the landlord retain the security deposit of \$375.00 and applicable interest of \$0.94 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 \$3,166.54. 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 in the amount of **\$3,166.54**. The tenant's application is dismissed in its entirety.

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

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Residential Tenancy Branch

