



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, MND, 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, cost of cleaning and repairs and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing was served on the tenant on February 18, 2014 by registered mail. 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 tenant moved out sometime during the first week of March 2014, without informing the landlord. Since the tenant has moved out, the landlord withdrew his application for an order of possession. The landlord also did not file any evidence to support his claim for the cost of cleaning and repairs, as the tenants were still in the unit at the time he made this application. Therefore I dismiss this portion of the claim with leave to reapply. Accordingly, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

### **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 October 01, 2013. The monthly rent was \$875.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$437.50.

The landlord testified that the tenant paid partial rent for December 2013 and failed to pay rent for January and February 2014. On February 05, 2014, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

On March 08, 2014, the landlord found the rental unit vacant. The tenant had moved out without informing the landlord. At the time of the hearing the tenant owed the landlord \$275.00 for December 2013 and \$875.00 for each of the months of January, February and March 2014, for a total of \$2,900.00 in unpaid rent.

The landlord is applying for a monetary order for unpaid rent (\$2,900.00) and for the filing fee (\$50.00).

### **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 \$2,900.00. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$2,950.00. I order that the landlord retain the security deposit of \$437.50 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 \$2,512.50. 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 **\$2,512.50**.

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 08, 2014

---

Residential Tenancy Branch

