



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUCCESS REALTY & INSURANCE LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

*MNR, MNSD, FF*

### **Introduction**

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

The landlord testified that she served the tenant with the notice of hearing on March 24, 2014, by registered mail, to the address provided by the tenant. The landlord filed a copy of the tracking slip which indicates that the tenant received it. 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.

### **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?

### **Background and Evidence**

The landlord testified that the tenancy started on August 01, 2013 and ended on February 28, 2014. The monthly rent was \$1,400.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$700.00

The landlord stated that the tenant paid \$500.00 for rent for February 2014 and owes a balance of \$900.00. The landlord has applied for a monetary order in the amount of \$900.00 for unpaid rent plus \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant did not pay full rent for February 2014 and accordingly the landlord is entitled to \$900.00. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$950.00. I order that the landlord retain the security deposit of \$700.00 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 \$250.00. 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 of **\$250.00**.

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: July 10, 2014

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Residential Tenancy Branch

