



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This is an application filed by the landlord for a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord's agent attended the hearing by conference call and gave undisputed evidence. The tenant did not attend or submit any documentary evidence. The landlord's agent states that the tenant was served with the notice of hearing package by Canada Post Registered Mail on April 23, 2014. I accept the undisputed evidence of the landlord's agent and find that the tenant has been properly served.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?
Is the landlord entitled to retain the security deposit?

Background and Evidence

This tenancy began on September 20, 2013 on a fixed term tenancy for 1 year ending on September 20, 2014 as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$2,200.00 payable on the 20th day of each month and a security deposit of \$1,100.00 was paid.

The landlord states that subject to a previous order of possession the tenant vacated the rental unit on April 8, 2014 for failing to pay rent of January and February. The landlord seeks compensation for unpaid rent of \$2,200.00 for March as the tenant over held the rental unit until April 8, 2014. The landlord has provided a copy of the decision and order from the previous Residential Tenancy Branch File.

Analysis

I accept the undisputed evidence of the landlord's agent and find that the tenant over held the rental unit until April 8, 2014 and is responsible for the landlord's loss of rental income for March 2014 of \$2,200.00. The landlord has established a monetary claim of \$2,200.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$1,100.00 security deposit currently held by the landlord in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$1,150.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$1,150.00.
The landlord may retain the \$1,100.00 security deposit.

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: August 20, 2014

Residential Tenancy Branch

