



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BCIMC Realty Corp. dba Metropolitan Towers  
and [tenant name suppressed to protect privacy]

## **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 attended the hearing by conference call and gave undisputed evidence. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on April 30, 2014. I accept the undisputed evidence of the landlord 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 June 1, 2012 on a fixed term tenancy ending on May 31, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated May 21, 2012. The monthly rent was \$1,540.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$770.00 was paid.

The landlord states that the tenant failed to pay March 2014 rent of \$1,555.00, \$25.00 for a late fee for March 2014 and \$1,525.00 for April 2014 rent totalling, \$3,105.00. The landlord clarified that the \$1,555.00 March rent was \$1,540 and the remaining \$15.00 were from arrears for February 2014.

The landlord also clarified that the tenant had already given consent for the landlord to retain the \$770.00 security deposit to offset unpaid rent and damages to the rental. The

tenant completed the security deposit statement on the condition inspection report for the move-out dated April 10, 2014. As such, no order is required to award the landlord permission to retain the security deposit to offset the landlords claims.

The landlord seeks a monetary claim of \$3,105.00 for unpaid rent and late fees.

### Analysis

I accept the undisputed evidence of the landlord and find that a claim for unpaid rent and late fees has been established for \$3,105.00. However, the landlord is limited to the monetary claim filed of \$2,830.00.

As the landlord has been successful in her claim, I find that the landlord is entitled to recovery of the \$50.00 filing fee.

The landlord is granted a monetary order of \$2,880.00. 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 \$2,880.00.

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: August 06, 2014

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Residential Tenancy Branch

