



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, SS, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security deposit - Section 38;
3. An Order for substituted service – Section 71; and
4. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that each Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenants did not participate in the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

The Landlord states that the Tenants picked up their registered mail and did not make any submissions in relation to the claim for substituted service. I therefore dismiss the claim for substituted service.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy started on May 1, 2002 and ended on June 30, 2014. Rent of \$1,290.00 was payable monthly on the first day of each month. At the outset of the tenancy the

Landlord collected \$625.00 as a security deposit. The Tenant overpaid May 2014 rent by \$10.00 and failed to pay rent for June 2014. The Landlord claims \$1,280.00 in unpaid rent.

Analysis

Section 26 of the Act provides that a tenant must pay the rent when and as provided under the tenancy agreement. Based on the undisputed evidence of the Landlord I find that the Landlord has substantiated that the Tenant failed to pay June 2014 rent as required under the tenancy agreement. I find that the Landlord is therefore entitled to its claim of \$1,280.00. The Landlord is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$1,330.00. Deducting the security deposit of \$625.00 plus interest to this date in the amount of \$15.76 leaves **\$689.24** owed by the Tenants to the Landlord.

Conclusion

I Order the Landlord to retain the security deposit plus interest of \$640.76 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for **\$689.24**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: December 08, 2014

Residential Tenancy Branch

