



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and an order to retain the tenant's security deposit in partial satisfaction of the monetary award. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although he was served with the application and Notice of Hearing by registered mail sent on August 12, 2014

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Should the landlord be permitted to retain the security deposit?

Background and Evidence

The rental unit is an apartment in Abbotsford. The tenancy began on January 1, 2014 for a one year fixed term. The monthly rent was \$625.00. The tenant paid a security deposit of \$312.50 at the start of the tenancy. The tenancy agreement provided that the tenant must pay a fee of \$350.00 as a service charge for re-renting the unit if the tenant ended the tenancy before the end of the fixed term. The tenant also received a \$52.00 per month incentive by way of a rent reduction and the agreement provided that the incentives must be repaid if the tenant ended the tenancy early. The tenant gave written notice and moved out of the rental unit on July 31, 2014.

The landlord has claimed payment of the \$350.00 lease break charge plus repayment of rent incentives in the amount of \$312.00 for a total of \$662.00.

Analysis and conclusion

In the absence of any dispute by the tenant, I find that the landlord is entitled to a monetary award in the amount claimed. The landlord is entitled to recover the \$50.00 filing fee, for a total award of \$712.00. I order that the landlord retain the security deposit of \$312.50 in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$399.50. This order may be registered 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: March 04, 2015

Residential Tenancy Branch

