



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Sutton Group Medallion Realty Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This matter dealt with an application by the landlord for a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the tenant's security deposit in partial payment of those amounts. Only the landlord's agent attended.

### Issues(s) to be Decided

Is the Landlord entitled to compensation unpaid rent and if so, how much?

### Background and Evidence

The landlord's agent CH testified that the application for dispute resolution was sent by registered mail to the tenant's new address on December 19, 2014. I determined from Canada Post's web site that the document was delivered on December 22, 2014 and therefore that the tenant has been sufficiently served in accordance with the Act.

Based upon the evidence of CH I find that this month-to-month tenancy started on June 1, 2013 and ended on December 2, 2014 when the Tenant moved out without notice. Rent was \$ 1,600.00 per month payable in advance on the 1<sup>st</sup> day of each month. The tenant paid a security deposit of \$ 800.00 at the beginning of the tenancy.

CH testified that the landlord was able to re rent the unit effective January 2105 but the arrears and loss of revenue from October through December 2104 amounted to \$ 4,400.00. The landlord abandoned its claim for late and bank service fees.

### Analysis

I find based upon the evidence of the landlord and in absence of any evidence from the tenant, that the landlord has proven a claim for unpaid rent and loss of revenue amounting to \$ 4,400.00. As the landlord has been successful in this matter, I find pursuant to s. 72 of the Act that they are also entitled to recover the \$50.00 filing fee for

this proceeding. I order the landlord pursuant to s. 38(4) of the Act to retain the tenant's security deposit inclusive of interest amounting to \$ 800.00 in partial payment of the rent arrears. The landlord will receive a Monetary Order for the balance owing.

### Conclusion

In summary I ordered that the respondent pay to the applicant the sum of \$ 4,400.00 in respect of this claim plus the sum of \$ 50.00 in respect of the filing fee for a total of \$ 4,450.00. I order that the landlord retain the security deposit amounting to \$ 800.00 inclusive of interest. I grant the landlord a Monetary Order in the amount of **\$ 3,650.00** and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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 16, 2015

---

Residential Tenancy Branch

