



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent loss of income and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing was served on the tenant on February 21, 2015 in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord stated that he visited the rental unit on March 01, 2015 and found that the tenant was in the process of moving out. The tenant left the keys in the mailbox later that day. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, the filing fee and to retain the security deposit?

Background and Evidence

The tenancy started in July 2010. The rent was \$1,450.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$725.00.

The landlord testified that the tenant fell behind on rent and in January 2015 owed the landlord \$1,795.00 in unpaid rent. The tenant further failed to pay rent for February 2015 and on February 02, 2015, was served with a ten day notice to end tenancy for nonpayment of rent,

The tenant did not dispute the notice and on February 13, 2015 paid the landlord \$700.00 towards unpaid rent. The tenant continued to occupy the rental unit without paying the balance of rent owed and moved out on March 01, 2015.

The landlord testified that he advertised for a tenant for March on line and in the local newspaper starting March 03, 2015, but has not yet found a tenant as of March 19.

The landlord stated that as of the date of this hearing the tenant owed rent in the amount of \$2,545.00 for January and February 2015. The landlord has also applied for loss of income for the month of March 2015 in the amount of \$1,450.00 for a total of \$3,995.00.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes rent and loss of income in the amount of \$3,995.00. Since the landlord has proven his case, he is also entitled to the filing fee of \$50.00.

The landlord has established a total claim of \$4,045.00. I order that the landlord retain the security deposit of \$725.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$3,320.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$3,320.00**.

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: March 19, 2015

Residential Tenancy Branch

