



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, 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 and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on February 23, 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 tenant moved out on February 27, 2015, without giving the landlord a forwarding address. The landlord conducted an inspection and made a claim against the security deposit. However since the tenant was not served with the evidence to support the landlord's claim to retain the security deposit, I dismiss this portion of the landlord's claim with leave to reapply.

Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started on May 01, 2014 for a fixed term of one year. The monthly rent was \$1,250.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$625.00.

The landlord testified that the tenant failed to pay full rent for January and also failed to pay rent on February 01, 2015. On February 04, 2015, the landlord served the tenant with a ten day notice to end tenancy for \$1,730.00 in unpaid rent. The tenant did not dispute the notice and on February 20, 2015, the tenant paid \$1,000.00 towards outstanding rent. The landlord testified that as of the date of this hearing, the tenant owed \$730.00 in unpaid rent.

The landlord is applying for a monetary order for unpaid rent (\$730.00) and for the filing fee (\$50.00).

### **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 the claim. I find that the tenant owes rent in the amount of \$730.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$780.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 **\$780.00**.

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 20, 2015

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Residential Tenancy Branch

