



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, 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. An Order for Possession – Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing *in person on April 27, 2015* in accordance with Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. The Landlord withdraws the claim for an order of possession as the Tenants moved out of the unit on June 6, 2015 and returned the keys to the Landlord.

Issue(s) to be Decided

Is the Landor entitled to unpaid rent?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started on November 20, 2014 and ended on June 6, 2015 following the Landlord’s service of two notices to end tenancy: one for cause and the second for unpaid rent. Rent of \$650.00 was initially payable monthly on the first day of each month and this was reduced to \$600.00 per month for December 1, 2014. At the outset

of the tenancy the Landlord collected \$325.00 as a security deposit. The Tenant failed to pay rent for April and May 2015 and the Landlord claims \$1,200.00.

Analysis

Section 26 of the Act provides that a tenant must pay rent when it is due under the tenancy agreement. Based on the Landlord's undisputed evidence of the terms of the tenancy agreement and the failure of the Tenants to pay rent for April and May 2015, I find that the Landlord has substantiated an entitlement to **\$1,200.00**. The Landlord is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of \$1,250.00. Deducting the security deposit of **\$325.00** plus zero interest leaves **\$925.00** owed by the Tenants.

Conclusion

I Order the Landlord to retain the security deposit plus interest of \$325.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for **\$925.00**. 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: June 09, 2015

Residential Tenancy Branch

