



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

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

The landlord testified that on April 27, 2015, she served the tenant with the notice of hearing by registered mail, to the address provided by the tenant. The landlord filed a copy of the tracking number. 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.

Issues to be decided

Is the landlord entitled to unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on October 15, 2013 and ended on August 30, 2014. The landlord filed a copy of the tenancy agreement into evidence. The monthly rent was set at \$2,400.00 per month due on the 1st of each month.

The tenant failed to pay full rent for June 2015 and owed \$800.00. The landlord testified that the tenant also failed to pay rent for July and August 2015. The tenant moved out on August 30, 2015, still owing a total of \$5,600.00 in unpaid rent.

The landlord has applied for unpaid rent plus the filing fee of \$50.00 and to retain the security deposit of \$1,200.00 in partial satisfaction of her claim.

Analysis

Based on the undisputed testimony of the landlord, I find that the tenant failed pay rent for part of June in addition to full rent for July and August for a total of \$5,600.00 in unpaid rent.

In the absence of contradictory evidence, I find that the landlord is entitled to her claim for unpaid rent and since she has proven her case is also entitled to the recovery of the filing fee of \$50.00. Overall the landlord has established a claim of \$5,650.00.

I order that the landlord retain the security deposit of \$1,200.00 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 \$4,450.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord leave to retain the security deposit. I also grant the landlord a monetary order in the amount of \$4,450.00.

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: September 30, 2015

Residential Tenancy Branch

