



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 his monetary claim.

The notice of hearing was served on the tenant on July 17, 2015 by registered mail to the rental unit. The landlord provided a 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.

The landlord testified that the tenant moved out on September 03, 2015. Since the tenant has moved out, the landlord has possession of the rental unit and 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 on September 01, 2012. The rent was \$815.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$400.00. There is no written tenancy agreement. The rental unit is located in the basement of the landlord's home. The landlord lives upstairs.

The landlord testified that the tenant failed to pay rent for July 2015. On July 04, 2015, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$815.00. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

As of the date of this hearing the tenant owed rent for the months of July, August and September 2015 for a total amount of \$2,445.00.

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 in the amount of \$2,445.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00.

The landlord has established a total claim of \$2,495.00. I order that the landlord retain the security deposit of \$400.00 plus accrued interest of \$0.00 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 \$2,095.00. 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 **\$2,095.00**.

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 18, 2015

Residential Tenancy Branch

