



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Terminal Heights Apt. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on August 27, 2015, on the tenant did not appear.

The landlord advised that the tenant had moved out of the rental unit and an order of possession was not required.

Issue(s) to be Decided

- Is the landlord entitled to a monetary order and, if so, in what amount?
- Is the landlord entitled to retain the security deposit?

Background and Evidence

This tenancy commenced June 1, 2014 as a one year fixed term tenancy and continued thereafter as a month-to-month tenancy. The monthly rent of \$845.00 was due on the first day of the month. At the start of the tenancy the tenant paid a security deposit of \$412.50. There is a written tenancy agreement which provides for a late payment fee of \$25.00. Although the tenancy agreement provided for a parking fee of \$10.00 the landlord advised that the tenant never had a car and was never charged the parking fee.

The landlord testified that the tenant was served with a 10 Day Notice to End Tenancy for Non-Payment of Rent in August and that she subsequently moved out of the rental unit, with minimal notice to the landlord, on September 19, 2015.

The landlord testified that the tenant had not paid the rent for September. The landlord was able to re-rent the unit for October 15, 2015 and is claiming one-half month's rent, \$422.50 for October.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the landlord has established a total monetary claim of \$ 1342.50 comprised of September rent of \$845.00, September late payment fee of \$25.00, partial October rent of \$422.50 and the \$50.00 fee paid by the landlord for this application. I order that the Landlord retain the deposit of \$412.50 in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$930.00.

Conclusion

A monetary order in favour of the landlord in the amount of **\$930.00** has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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: October 06, 2015

Residential Tenancy Branch

