



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes mndc, mnr, mnsd, opr, ff

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, a Monetary Order; and an order to retain the security deposit.

The landlord attended the hearing, but the tenant did not attend the hearing. I accept the landlord's testimony that the tenant was properly served with the Application for Dispute resolution hearing package in person, on or about October 10, 2015, and that the material was also served by registered mail. Such service satisfies the provisions of Sections 89(1) and 90 of the Residential Tenancy Act.

The tenant vacated the premises on November 6, 2015. The landlord confirmed at the hearing that he no longer seeks an Order of Possession or a monetary award for loss of rent for November. These issues are therefore dismissed as abandoned.

Issues to Be Decided

- Is the landlord entitled to an award from the tenant for unpaid rent?
- If so, is the landlord entitled to retain the deposit in partial satisfaction of the amount owing?
- Is the landlord entitled to recover his filing fee from the tenant?

Background and Evidence

The tenant did not pay his monthly rent of \$500.00 for July, or for any month since. He continued to reside in the premises until November 6, 2015, even though a Notice to End Tenancy served upon him July 8, 2015 effectively ended his tenancy on July 18, 2015.

Analysis

The landlord is entitled to recover the rental arrears for July, August, September and October from the tenant which together total \$2,000.00. This sum is ordered paid by the

tenant to the landlord, pursuant to section 67 of the Residential Tenancy Act. Pursuant to section 72, I also order the tenant pay the sum of \$50.00, representing the landlord's filing fee. I further order pursuant to section 72 that the landlord retain the tenant's security deposit in partial satisfaction of these sums.

Conclusion

The tenant must pay the sum of \$2,050.00 to the landlord.

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: December 02, 2015

Residential Tenancy Branch

