



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, 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. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation for loss – Section 67;
3. An Order to retain the security deposit - Section 38; and
4. 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 by registered mail 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 Tenant moved out of the unit and the Landlord no longer requires an order of possession.

Issue(s) to be Decided

Is the Landlord entitled to unpaid rent and utilities?

Background and Evidence

The tenancy started on June 13, 2015 and ended on February 19, 2016 after the Tenant was given a notice to end tenancy for cause. The Tenant did not dispute the Notice. Rent of \$1,000.00 was payable monthly on the first day of each month. At the outset of the tenancy the Landlord collected \$500.00 as a security deposit.

The Landlord waives its right to reimbursement for utilities and claims \$500.00 in unpaid rent for February 2016.

Analysis

Section 26 of the Act provides that a tenant must pay the rent when and as provided under the tenancy agreement. Based on the Landlord's undisputed evidence of unpaid rent I find that the Landlord is entitled to its claim of **\$500.00**. The Landlord is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$600.00**.

Deducting the security deposit plus zero interest of **\$500.00** leaves **\$100.00** owed by the Tenant to the Landlord.

Conclusion

I Order the Landlord to retain the security deposit plus interest of \$500.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the remaining amount of **\$100.00**. 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: March 16, 2016

Residential Tenancy Branch

