Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FF, MNR, MNSD

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:
    a. A monetary order in the sum of $790 for unpaid rent
    b. An order to keep the security deposit.
    c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served.   On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on April 22, 2016. The landlord filed an Amended Application for Dispute Resolution on May 27, 2016. However, he was not able to prove the Amended Application for Dispute Resolution was served on the Tenant. As a result I determined that I was limited in considering the claims in the original Application for Dispute Resolution only. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:
    a. Whether the landlord is entitled to a monetary order and if so how much?
    b. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
    c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on February 25, 2016 and continue of a month to month basis. The tenancy agreement provided that the tenant(s) would pay rent of $690 per month payable in advance on the 25th day of each month.

The tenant failed to pay the rent for the period March 25, 2016 to April 24 2016. She vacated on April 4, 2016 without providing a forwarding address. The landlord was not able rent the rental unit for April and lost the sum of $690 in rent.

Monetary Order and Cost of Filing fee
I determined the landlord is entitled to the sum of $690 for non payment of rent for the period March 25, 2016 to April 24, 2016.

In summary I determined the landlord has established a monetary claim against the tenant(s) in the sum of $690 plus the $100 filing fee for a total of $790.

I have not considered the other claims in the Amended Application for Dispute Resolution as the landlord was not able to prove service. The tenant has liberty to re-apply.

Security Deposit

I determined the security deposit totals the sum of $325. I ordered that the Landlord shall retain the security deposit of $325 thus reducing the amount outstanding to $465.

Conclusion
I ordered the landlord may retain the security deposit/pet deposit in the sum of $325 . In addition I ordered that the Tenant pay to the Landlord the sum of $465 .

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: June 14, 2016

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Residential Tenancy Branch