



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pacific Cove Investments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on December 22, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on December 27, 2016, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on April 1, 2015. Rent in the amount of \$1,000.00 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$500.00.

The landlord provided evidence that the tenant's rent cheque for September 2015 was returned for insufficient funds. The landlord stated that the tenant paid rent for October 2015 and November 2015, but he vacated the rental unit in November 2015 without giving proper written notice. The landlord has claimed one month in unpaid rent.

In support of their claim, the landlord submitted evidence including the following:

- a copy of one page of the tenancy agreement, indicating a monthly rent of \$1,000.00 due on the first of each month;
- copies of the front and back of the tenant's rent cheque for September 2015, showing that it was returned for insufficient funds; and
- a copy of the Landlord's Application for Dispute Resolution, filed December 22, 2015.

Analysis

I find that the landlord has established their claim for 1,000.00. I accept the undisputed evidence of the landlord that the tenant failed to pay rent for September 2015.

As the landlord's application was successful, they are also entitled to recovery of the \$50.00 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$1,050.00. I order that the landlord retain the security deposit of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$550.00. 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: August 25, 2016

Residential Tenancy Branch