Dispute Resolution Services

BRITISH COLUMBIA

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   : FF, MNR, MND, MNSD & MNDC

Introduction
The Application for Dispute Resolution filed by the landlord makes the following claims:
   a. A monetary order in the sum of $4798 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 sufficiently served on the Tenant by mailing, through Canada Post Courier Service to where the Tenant resides on April 2, 2015. A search of the Canada Post tracking records indicates it was accepted by the Tenant on April 5, 2016. 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 October 5, 2016. The tenancy agreement provided that the tenant(s) would pay rent of $1700 per month payable in advance on the first day of each month. The tenant paid a security deposit of $850 in January 2016.
On July 1, 2015 the tenant(s) failed to pay the rent for the months of December 2015 ($850 is owed), January 2016 ($1700 is owed), February 2016 (($1700 is owed) and March 1 to 10 ($548 is owed) and the sum of $4798 is owed.

The tenant(s) vacated the rental unit on March 10, 2016.

Analysis

I determined the landlord has established a claim for non payment of rent for the months of December 2015 ($850 is owed), January 2016 ($1700 is owed), February 2016 (($1700 is owed) and March 1 to 10 ($548 is owed) and the sum of $4798 is remains outstanding.

I ordered the Tenant to pay to the Landlord the sum of $4798 plus $100 for the cost of the filing fee for a total of $4898.

Security Deposit

I determined the security deposit totals the sum of $850.. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of $4048.

Conclusion

In summary I determined the landlord has established a monetary order against the tenant(s) in the sum of $4898. I ordered the landlord may retain the security deposit/pet deposit in the sum of $850. In addition I ordered that the Tenant pay to the Landlord the sum of $4048.

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: August 16, 2016

Residential Tenancy Branch