



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MND MNR MNSD OPR

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The landlord also requested recovery of the filing fee for this application from the tenant. The tenant did not appear for the hearing despite being served with the Application for Dispute Resolution and Notice of Hearing in person on September 10, 2016.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on February 1, 2016. The rent was \$800 per month. The tenant paid a security deposit of \$400 at the start of the tenancy. The tenant failed to pay the rent for July. The landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent on July 30, 2016. The tenant failed to pay the rent for August. Subsequently the tenant paid the landlord \$160.00 towards the July and August rents. The tenant vacated the rental unit on August 31, 2016.

Analysis

The landlord has made a monetary claim in the amount of \$1440.00. This amount represents unpaid rent for July and August less the \$160.00 paid by the tenant for those two months.

I am satisfied that the landlord has established this claim.

The landlord had initially requested an order of possession but since the tenant has already vacated the rental unit an order of possession is no longer needed.

Conclusion

I find that the landlord has established a total monetary claim of \$1,440.00 for the outstanding rent for July and August. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$1,540.00. I order that the landlord retain the deposit and interest (\$0.00) of \$400.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,140.00. 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: October 31, 2016

Residential Tenancy Branch

