



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD & FF

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$2400 for unpaid rent
- b. An Order to retain 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 August 29, 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 one year fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2016, end on July 31, 2016 and the tenant would have to vacate at that time. The rent is \$2400 per month payable on the first day of each month. The tenant paid a security deposit of \$1200 on July 14, 2016.

On July 31, 2016 the Tenant advised the Landlord that she would not be moving into the rental unit. The tenant did not move into the rental unit and she failed to pay the rent for the month of August and the sum of \$2000 remains owing.

Despite sufficiently attempting to mitigate her loss the landlord was not able to rent the rental unit for August. The rental unit was rented for September.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of August 2016 and the sum of \$2400 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$2400 plus the sum of \$100 in respect of the filing fee for a total of \$2500.

Security Deposit:

I determined the security deposit plus interest totals the sum of \$1200. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1300.

Conclusion:

I ordered that the Landlord shall retain the security deposit of \$1200. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$1300.

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: December 20, 2016

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Residential Tenancy Branch