



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act"):

- a Monetary Order for unpaid rent pursuant to section 67;
- authorization to retain the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The corporate landlord was represented by their agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlords' application for dispute resolution dated May 2, 2017 was sent to the tenant by registered mail on May 4, 2017. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was served with the landlord's application for dispute resolution and evidence package in accordance with sections 89 and 90 of the Act on May 9, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord provided undisputed testimony. This tenancy ended in April, 2017 when the tenant vacated the rental unit. The monthly rent for this tenancy was \$1,500.00 payable on the first of the month. The tenant did not pay the full rent for the month of April, 2017 and the rental arrear for this tenancy is \$750.00.

A security deposit of \$750.00 was paid by the tenant at the start of the tenancy. The parties participated in a move-out inspection at the end of the tenancy and the tenant gave written permission for the landlord to deduct \$75.00 from the security deposit on April 26, 2017. The balance of the security deposit held by the landlord is \$675.00.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$1,500.00. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$750.00. I issue a monetary award in the landlords' favour for unpaid rent of \$750.00 as at October 2, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain the balance of the tenant's security deposit currently being held of \$675.00 in partial satisfaction of the monetary award issued in the landlord's favour.

Conclusion

I issue a monetary order in the landlord's favour in the amount of \$175.00, which allows the landlord to recover unpaid rent and the filing fee for their application and retain the security deposit for this tenancy.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this 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: October 2, 2017

Residential Tenancy Branch