



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STRATTON VENTURES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, received at the Residential Tenancy Branch on May 29, 2017 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities;
- an order allowing the Landlords to retain all or part of the security deposit or pet damage deposit; and
- an order granting recovery of the filing fee.

The corporate Landlord was represented at the hearing by D.H. and J.H., agents, who provided a solemn affirmation at the beginning of the hearing. D.H. advised that the Landlord S.S., who is named as a party but did not attend the hearing, is no longer employed by the Landlord. Accordingly, pursuant to section 64 of the *Act*, I amend the Landlords' Application to remove S.S. as a party. The Tenant did not attend the hearing.

On behalf of the Landlord, D.H. testified the Application package was served on the Tenant by registered mail on June 1, 2017. A Canada Post receipt was provided in support. During the hearing, the Canada Post Tracking Number was also used to confirm the Application package was received by the Tenant on June 5, 2017. I find the Tenant received the Application package on that date.

D.H. and J.H. were provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent or utilities?
2. Is the Landlord entitled to retain all or part of the security deposit or pet damage deposit?
3. Is the Landlord entitled to an order granting recovery of the filing fee?

Background and Evidence

The Landlord submitted a copy of the tenancy agreement into evidence. It confirmed the tenancy began on June 1, 2016. Rent was due in the amount of \$800.00 per month. The Tenant paid a security deposit of \$400.00, which the Landlord holds.

D.H. testified the tenancy ended when the Tenant vacated the rental unit without notice during the month of April 2017. D.H. testified that rent was not paid when due in March and April 2017, and that \$1,600.00 remains outstanding.

The Landlord also sought to recover the \$100.00 filing fee paid to make the Application, and asked to apply the security deposit in partial satisfaction of the claim.

Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

Section 26 of the *Act* confirms that a tenant must pay rent when due under a tenancy agreement. In this case, D.H. testified, and I find, that rent was not paid when due in March and April 2017, and that rent in the amount of \$1,600.00 is outstanding. Accordingly, I find the Landlord is entitled to a monetary award of \$1,600.00 for unpaid rent.

Further, having been successful, I find the Landlord is entitled to recover the filing fee paid to make the Application, and I order that the security deposit may be retained in partial satisfaction of the claim. Accordingly, pursuant to section 67 of the *Act*, I grant the Landlord a monetary order in the amount of \$1,300.00, which has been calculated as follows:

Claim	Amount
Unpaid rent:	\$1,600.00
Filing fee:	\$100.00
<i>LESS</i> security deposit:	(\$400.00)
TOTAL:	\$1,300.00

Conclusion

The Landlord is granted a monetary order in the amount of \$1,300.00. The order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: November 10, 2017

Residential Tenancy Branch