



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARK PLACE VENTURES LTD.
And [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

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

- a Monetary Order for damages and loss pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The corporate landlord was represented by its 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 landlord's application for dispute resolution dated July 26, 2017 and evidentiary materials were served on the tenant by registered mail sent to a forwarding address provided by the tenant on July 28, 2017. The landlord submitted into written evidence a copy of the Canada Post tracking slip as evidence of service. In accordance with sections 88, 89 and 90 of the Act, I find that the tenant was deemed served on August 2, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Is the landlord entitled to keep all or a portion of the tenant's security deposit?

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

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This fixed term tenancy began in September, 2016 and was scheduled to end on August 31, 2017. The monthly rent was \$1,100.00 payable on the first. A security deposit of \$550.00 was collected at the start of the tenancy and is still held by the landlord.

The tenant vacated the rental unit on July 15, 2017 and failed to pay rent for the month of August. The landlord testified that they are seeking a monetary award in the amount of \$550.00 for the losses incurred by the tenant's breach of the fixed term lease.

The landlord is also seeking a monetary award in the amount of \$100.00 for garbage disposal. The tenant dumped appliances in the parking lot of the rental building and the landlord said the cost of disposal was \$100.00. The landlord submitted into written evidence surveillance photographs of the parking area showing a figure the landlord identified as the tenant, leaving appliances.

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 \$1,100.00. I accept the landlord's undisputed evidence that the tenant failed to pay the rent for the month of August, 2017. I accept the landlord's testimony that the loss attributable to the tenant for the loss of rent is \$550.00.

I accept the undisputed evidence of the landlord that the tenant dumped appliances in the parking area of the rental unit and the landlord incurred costs to dispose of them properly. I accept the landlord's testimony that the cost of disposal was \$100.00.

Accordingly, I issue a monetary award in the landlords' favour for damages of \$650.00 as at January 23, 2018, 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 tenant's security deposit of \$550.00 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 \$200.00 under the following terms, which allows the landlord to recover unpaid rent and the filing fee for their application:

Item	Amount
Loss of Rental Income	\$550.00
Appliance Disposal	\$100.00
Filing Fees	\$100.00
Less Security Deposit	-\$550.00
Total Monetary Order	\$200.00

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: January 24, 2018

Residential Tenancy Branch