



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

On October 27, 2017, the Landlord submitted an Application for Dispute Resolution for a monetary order for unpaid rent or utilities; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Landlord attended the teleconference hearing; however, the Tenant did not. The Landlord provided affirmed testimony that the Tenant was served with the Notice of Hearing by registered mail on November 2, 2017. The Landlord provided the registered mail tracking number as proof of service. I find that the Tenant has been duly served with the Notice of Hearing in accordance with sections 89 and 90 of the Act.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

- Is the Landlord entitled to a monetary order to recover unpaid rent?
- Is the Landlord entitled to keep the security deposit towards her claim?
- Is the Landlord entitled to recover the cost of the filing fee?

Background and Evidence

The Landlord testified that the tenancy began on May 12, 2016, on a month to month basis. At the end of the tenancy, rent in the amount of \$1,237.00 was to be paid by the first day of each month. The Tenant paid the Landlord a security deposit of \$575.00. The Landlord provided a copy of the tenancy agreement.

The Landlord testified that she suffered a loss of rent for the unit for the month of August 2017. The Landlord testified that the Tenant moved out of the rental unit on

August 29, 2017, and never paid the rent owing under the tenancy agreement for August 2017.

The Landlord testified that the Tenant authorized the Landlord to retain the security deposit of \$575.00 in partial satisfaction of the unpaid August 2017, rent. The Landlord provided a copy of a condition inspection report that was completed at the end of the tenancy where the Tenant agreed to let the Landlord keep the deposit towards unpaid rent.

The Landlord is seeking to recover the balance of \$662.00 owing for August 2017, rent.

The Landlord is requesting to recover the \$100.00 for the cost of the filing fee for the hearing.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I make the following findings:

I find that the Tenant was served with the Notice of Hearing and failed to attend the hearing. The Landlord's claims are unopposed.

I find that the Tenant failed to pay the rent of \$1,237.00 owing under the tenancy agreement for the month of August 2017.

I find that the Landlord is authorized to retain the security deposit of \$575.00 towards the unpaid August 2017, rent.

I find that the Tenant owes the Landlord the balance of \$662.00 for unpaid August 2017 rent.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

I find that the Landlord has established a monetary claim in the amount of \$762.00.

I grant the Landlord a monetary order in the amount of \$762.00. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The Tenant failed to pay the rent of \$1,237.00 owing under the tenancy agreement for the month of August 2017.

The Landlord is authorized to retain the security deposit of \$575.00 in partial satisfaction of the unpaid rent.

I grant the Landlord a monetary order in the amount of \$762.00 for the balance of the unpaid August 2017 rent and the cost of the filing fee.

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: June 05, 2018

Residential Tenancy Branch