



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR-S FFL

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent / landlord holds deposit(s) - Section 67
2. To recover the filing fee for this matter – Section 72

I accept the landlord's evidence that despite tenant RL having been served with the application for dispute resolution, notice of dispute resolution proceeding (notice of hearing) and all evidence submitted to the Branch *by e-mail* in accordance with a substituted service proceeding Order of the Director dated July 20, 2018, the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed for unpaid rent and recovery of the filing fee?

### **Background and Evidence**

The hearing had benefit of a copy of the tenancy agreement for this matter. The tenancy began August 26, 2017 as a fixed term tenancy with an end date of September 01, 2018 and ended early by mutual agreement (oral) April 09, 2018. During the tenancy rent in the amount of \$1700.00 was payable in advance on the first day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$850.00 which they retain in trust. The landlord provided testimony and also provided document evidence that during the near 8 month tenancy the tenant failed to pay all of the payable rent under the tenancy agreement when owed, and by which time the tenant vacated the accumulated arrears of rent, inclusive of prorated rent amounted to \$2760.00.

**Analysis**

Based on the landlord's evidence I find that the tenant did not satisfy all rent owed during the tenancy. The tenant vacated but did not pay all of the outstanding rent. Based on the above facts I find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the filing fee. The security deposit will be off-set from the award made herein.

*Calculation for Monetary Order:*

Rental arrears	\$2760.00
Filing Fee for the cost of this application	100.00
<i>Less Security Deposit held in trust</i>	<i>-850.00</i>
<b>Monetary Award to landlord</b>	<b>\$2010.00</b>

**Order(s)**

**I Order** that the landlord retain the security **deposit** of \$850.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$2010.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**Conclusion**

The landlord's application is granted.

**This Decision is final and binding.**

*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 27, 2018

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Residential Tenancy Branch