



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNRL-S FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for:

- a monetary order for unpaid rent under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72 .

While the landlord and her agent, BM, attended the hearing by way of conference call, the tenant did not. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the tenant was served with the landlord's application for dispute resolution hearing package and evidence on November 17, 2018 by way of registered mail. The landlord provided a Canada Post tracking the hearing. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application on November 22, 2018, five days after its registered mailing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for unpaid rent and losses?

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

Background and Evidence

The landlord testified regarding the following facts. This month-to-month tenancy began on July 15, 2012, with monthly rent in the amount of \$2,600.00 payable on the first day of each month. The landlord holds a security deposit in the amount of \$1,250.00 for this tenancy. The tenant moved out on January 14, 2017.

The landlord testified that the tenant only paid \$1,600.00 towards rent for the period of September 2016 through to January 14, 2017. The landlord stated in their application that they are requesting to keep the security deposit in satisfaction of the January 2017 rent. The landlord is seeking a monetary order as follows:

Item	Amount
Unpaid Rent for September 2016	\$2,600.00
Unpaid Rent for October 2016	2,600.00
Unpaid Rent for November 2016	2,600.00
Unpaid Rent for December 2016	2,600.00
Unpaid Rent for half of January 2017	1,250.00
Less \$1,600.00 paid	-1,600.00
Recovery of Filing Fee for this Application	100.00
Less Security Deposit Held	-1,250.00
Total Monetary Order Requested	\$8,900.00

Analysis

The landlord provided undisputed evidence that the tenant failed to pay the outstanding rent in the amount of \$10,050.00 for this tenancy. Therefore, I find that the landlord is entitled to \$10,050.00 in outstanding rent.

The landlord continues to hold the tenant's security deposit of \$1,250.00. In accordance with the offsetting provisions of section 72 of the *Act*, I order the landlord to retain the tenant's security deposit in partial satisfaction of the monetary claim.

As the landlord was successful in their application, I find that they are entitled to recover the filing fee for this application.

Conclusion

I issue a \$8,900.00 Monetary Order in favour of the landlord, which allows the landlord to recover the unpaid rent and the filing fee for this application, and also allows the landlord to retain the tenant's security deposit in partial satisfaction of the monetary claim.

Item	Amount
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Unpaid Rent for September 2016	\$2,600.00
Unpaid Rent for October 2016	2,600.00
Unpaid Rent for November 2016	2,600.00
Unpaid Rent for December 2016	2,600.00
Unpaid Rent for half of January 2017	1,250.00
Less \$1,600.00 paid	-1,600.00
Recovery of Filing Fee for this Application	100.00
Less Security Deposit Held	-1,250.00
Total Monetary Order	\$8,900.00

The tenant(s) must be served with this Order as soon as possible. Should the tenant(s) 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: March 19, 2019

Residential Tenancy Branch