



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the monetary claim.

The notice of hearing was served on the tenant on June 29, 2019, by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord's agent attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing the landlord informed me that the tenant had moved out on or about July 28, 2019. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Accordingly, this hearing only dealt with the landlord's monetary claim for unpaid rent, the filing fee and the retention of the security deposit.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The tenancy started in November 2018. The monthly rent was \$1,200.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$600.00. There is no written tenancy agreement.

The landlord testified that the tenant failed to pay rent for March, April, May and June 2019. On June 12, 2019, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

At the time of the hearing the tenant owed the landlord unpaid rent for March, April, May, June and July 2019 in the total amount of \$6,000.00.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of her claim. I find that the tenant owes rent for March, April, May, June and July 2019 in the total amount of \$6,000.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$100.00.

I order that the landlord retain the security deposit of \$600.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$5,500.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$5,500.00**.

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: August 13, 2019

Residential Tenancy Branch