



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FFL

Introduction

On July 30, 2019, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an order of possession; 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 the Notice of Dispute Resolution Proceeding by registered mail sent on August 2, 2019. I note that the tenant submitted documentary evidence for the hearing but did not attend. I find that the tenant was served with Notice of the hearing in accordance with sections 89 and 90 of the Act.

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

Preliminary and Procedural Matters

The Landlord testified that the Tenant moved out of the rental unit on August 18, 2019. The Landlord does not require an order of possession for the rental unit.

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 unpaid rent?
- Is the Landlord entitled to recover the cost of the filing fee?

Background and Evidence

The Landlord testified that the tenancy began in the summer of 2018, on a month to month basis. Rent in the amount of \$850.00 was to be paid to the Landlord by the first day of each month. The Tenant paid the Landlord a security deposit in the amount of \$350.00.

The Landlord testified that the Tenant did not pay the rent owing under the tenancy agreement for the months of July 2019. The Landlord testified that the Tenant also owes a balance of \$20.00 for June 2019 rent.

The Landlord seeks a monetary order for unpaid rent in the amount of \$870.00.

The Landlord is seeking to keep the security deposit of \$350.00 in partial satisfaction of the claim for unpaid rent.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant did not pay the rent owing under the tenancy agreement for the month of July 2019. I also accept the Landlord's testimony that the tenant owes \$20.00 for June 2019 rent.

I find that the Tenant owes the Landlord \$870.00 in unpaid rent.

I order that the Landlord can keep the security deposit in the amount of \$350.00 in partial satisfaction of the claim for unpaid 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 total monetary claim of \$970.00 comprised of \$870.00 in unpaid rent for the above-mentioned dates and the \$100.00 fee paid by the Landlord for this hearing.

After setting off the security deposit of \$350.00 towards the claim of \$970.00, I find that the Landlord is entitled to a monetary order in the amount of \$620.00. 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 due under the tenancy agreement for the months of June 2019 and July 2019. I award the Landlord \$870.00.

I order that the Landlord can keep the security deposit in the amount of \$350.00 in partial satisfaction of the claim.

The Landlord is granted a monetary order for the unpaid rent and the cost of the filing fee in the amount of \$620.00.

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: September 27, 2019

Residential Tenancy Branch