



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FFL

Introduction

On December 16, 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 with the Notice of Dispute Resolution Proceeding on December 17, 2019 in person at the rental unit.

Based on the affirmed testimony of the Landlord, I find that the Tenant has been duly served with the Notice of Dispute Resolution Proceeding 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.

Preliminary and Procedural Matters

The Landlord testified that the Tenant moved out of the rental unit on January 15, 2020 prior to this hearing. The Landlord is no longer requesting an order of possession for the rental unit.

The hearing proceeded on the Landlord’s request for a monetary order for unpaid rent and to keep the security deposit towards unpaid rent.

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 November 2019 on a month to month basis. Rent in the amount of \$1,000.00 is 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 \$500.00.

The Landlord testified that the Tenant did not pay the rent owing under the tenancy agreement for the month of December 2019. The Landlord is seeking to recover the amount of \$1,000.00.

The Landlord is seeking to keep the security deposit of \$500.00 towards the unpaid rent of \$1,000.00.

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 December 2019.

I find that the Tenant owes the Landlord \$1,000.00 for unpaid December 2019 rent. I grant the Landlord the amount of \$1,000.00.

I order that the Landlord can keep the security deposit in the amount of \$500.00 in partial satisfaction of the award of \$1,000.00.

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 \$1,100.00 comprised of \$1,000.00 in unpaid December 2019 rent and the \$100.00 fee paid by the Landlord for this hearing.

After setting off the security deposit of \$500.00 towards the claim of \$1,100.00, I find that the Landlord is entitled to a monetary order in the amount of \$600.00. 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 \$1,000.00 due under the tenancy agreement for December 2019.

I order that the Landlord can keep the security deposit in the amount of \$500.00 in partial satisfaction of the award for unpaid rent.

The Landlord is granted a monetary order for the unpaid rent and the cost of the filing fee in the amount of \$600.00.

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: February 20, 2020

Residential Tenancy Branch