



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 an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*;
- Authorization to recover the filing fee for this application pursuant to section 72.

The landlord attended the hearing and had the opportunity to call witnesses and present affirmed testimony and written evidence. The hearing process was explained, and an opportunity was given to ask questions about the hearing process.

The tenants did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the tenants the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct call-in number and participant code for the tenants was provided.

The landlord provided affirmed testimony that he personally served each of the tenants with the Notice of Hearing and Application for Dispute Resolution on March 14, 2020. The landlord submitted a video of the personal service in support of his testimony.

Further to the uncontracted testimony of the landlord supported by the evidence, I find the landlord served each tenant with the documents pursuant to the Act.

Issue(s) to be Decided

Is the landlord entitled to:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*;
- Authorization to recover the filing fee for this application pursuant to section 72.

Background and Evidence

The landlord provided the following uncontradicted testimony. The tenancy began on November 16, 2020 for monthly rent of \$1,500.00 payable on the first of the month. The tenant provided a security deposit of \$750.00 which the landlord holds. The landlord submitted a copy of the signed tenancy agreement.

The landlord testified that the tenants vacated the unit on March 14, 2020 and outstanding rent is owing as follows:

ITEM	AMOUNT
December 2019	\$100.00
February 2020	\$1,500.00
March 2020	\$1,500.00
TOTAL OUTSTANDING RENT	\$3,100.00

The landlord requested that the security deposit be applied to any monetary award and that he be granted reimbursement of the filing fee as follows:

ITEM	AMOUNT
Outstanding rent	\$3,100.00
Reimbursement of filing fee	\$100.00
(Security deposit)	(\$750.00)
TOTAL MONETARY AWARD REQUESTED	\$2,450.00

The landlord testified that he was granted an Order of Possession and a Monetary Order in the amount of \$1,500.00 for rent outstanding for January 2020. Reference to the file number appears on the first page.

Analysis

I have reviewed all documentary evidence and I find that the tenants were obligated to pay the monthly rent in the amount of \$1,500.00 as per the tenancy agreement.

I accept the evidence before me and the testimony of the landlord that the tenants have failed to pay the rent owed in full and a balance is outstanding of **\$3,100.00** which is in addition to a previous monetary order of \$1,500.00 referenced earlier.

Therefore, I find the landlord is entitled to a monetary award for outstanding rent as claimed as well as reimbursement of the filing fee. I grant authorization to the landlord to apply the security deposit to the award.

My award is summarized as follows:

ITEM	AMOUNT
Outstanding rent	\$3,100.00
Reimbursement of filing fee	\$100.00
(Security deposit)	(\$750.00)
TOTAL MONETARY AWARD	\$2,450.00

Conclusion

I grant the landlord a Monetary Order in the amount of \$2,450.00 which must be served on the tenant. Should the tenants fail to comply with this Order, this Order may be file in the Small Claims Division 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: July 10, 2020

Residential Tenancy Branch