



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVONSHIRE PROPERTIES
INC and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *MNSD, MNR, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to sections 67, 38 and 72 of the *Residential Tenancy Act*. The landlord applied for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant represented himself. The corporate landlord was represented by their agent.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that he had filed evidence to support his application that is scheduled to be heard in January 2021. The landlord confirmed receipt of the tenant's evidence. I find that the parties were served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issues to be decided

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

Background and Evidence

The background facts are generally undisputed. The tenancy started in February 2020. The current monthly rent is \$2,750.00 due in advance on the first of each month. The tenant moved out on May 31, 2020.

The tenant agreed that he had not paid rent for May 2020 in the amount of \$2,750.00 and parking costs of \$100.00 for a total of \$2,850.00. The landlord stated that she had received a government rental supplement in the amount of \$600.00 on behalf of the tenant and accordingly the tenant owed \$2,250.00

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant agreed that he owed rent and parking for the month of May 2020. Therefore, I find that the landlord is entitled to her claim of \$2,250.00 for unpaid rent and parking. Since the landlord has proven her claim, she is also entitled to the recovery of the filing fee of \$100.00.

Overall, the landlord has established a claim of 2,350.00. I order that the landlord retain the security deposit of \$1,375.00 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 \$975.00. 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 **\$975.00**

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 28, 2020

Residential Tenancy Branch