

DECISION

Introduction

This hearing dealt with the landlord's June 16, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- An order of Possession due to a one-month notice to end tenancy for cause, not end of employment
- A monetary order for unpaid rent and/or utilities
- A request to retain security and/or pet damage deposit
- Authorization to recover the \$100.00 filing fee

This hearing also dealt with the tenant's two applications, both dated June 9, 2023, for Dispute Resolution under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) under sections 46 and 55 of the Act
- cancellation of the landlord's One Month notice to end tenancy for cause, not end of employment under sections 47 and 55 of the Act

No one attended the hearing for the tenant.

S.N. attended the hearing for the landlord.

Service of Notice and Evidence

The landlord stated that they served notice of their claim to the tenant's door on June 20, 2023. A completed Proof of Service Form (RTB 55) was submitted and witnessed. In absence of the tenant, I deem them served with notice of the hearing on June 23, 2023, in accordance with section 89 and 90 of the Act.

Preliminary Matters

I dismissed the tenant's two applications because:

1. They did not attend the hearing
2. The landlord indicated that the tenant vacated on July 31, 2023

I do not give leave to re-apply because the tenancy is over.

Issue(s) to be Decided

- Is the landlord entitled to payment of rent? If so, is the landlord entitled to retain the security deposit, or pet damage deposit against monies owed?
- Is the landlord authorized to recover the filing fee from the tenant?

Background and Evidence

The tenancy began on October 15, 2012, and ended on July 31, 2023. Monthly rent was set at \$1,573.00 since January 2023. The landlord is holding a \$637.50 security deposit and a \$250.00 pet damage deposit.

The landlord issued a one-month notice for cause on June 2, 2023.

The landlord stated that tenant paid \$500.00 for June 2023, rent and nothing for July 2023 rent. The landlord provided a screenshot of their accounting system to confirm that the tenant owes \$2,646.00.

Analysis

I find that the landlord is owed rent in the amount of \$2,646.00. This amount owing is calculated through to July 31, 2023, the day the tenant vacated.

Because evidence was received that the tenant paid a \$637.50 security deposit and a \$250.00 pet damage deposit, the current value of these deposits must be offset against monies owed. According to the online Residential Tenancy Interest Calculator, these deposits are valued at \$898.03 as at the day of the hearing.

I therefore order that the landlord is entitled to retain the full value of these deposits under section 72 of the Act against monies owed. I further order that the landlord is entitled to a monetary order of \$1,747.97 for the balance of unpaid rent.

$$\$2,646.00 - \$898.03 = \$1,747.97$$

Is the landlord entitled to recover the filing fee for this application from the landlord?

The landlord was successful in their application. I order that they recover the filing fee from the tenant under section 72 of the Act.

Conclusion

I grant the landlord a Monetary Order in the amount of **\$1,847.97** under the following terms:

Monetary Issue	Granted Amount
Unpaid Rent	\$2,646.00
Retain Security and Pet Deposits with current value	-\$898.03
	\$1,747.97
Recover Filing Fee	+\$100.00
Total Amount	\$1,847.97

The landlord is provided with this Order in the above terms and the tenant(s) must be served with **this Order** as soon as possible. Should the tenant(s) fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: August 10, 2023

Residential Tenancy Branch