Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR OPR FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and utilities as well as to recover the filing fee for this proceeding.   At the outset of the hearing, the Parties confirmed that the tenancy ended on January 25, 2009 and that an Order of Possession was no longer required.   The Parties also agreed to an amendment of the Landlord's application to include a claim to keep all or part of a security deposit.

Issue(s) to be Decided

1.   Are there arrears of rent and if so, how much?

Background and Evidence

This fixed term tenancy started on September 1, 2008 and was to expire on February 28, 2009. The tenancy ended on January 25, 2009. Rent was $1,300.00 per month payable on the 1st day of each month.   The Tenant paid a security deposit of $650.00 on September 18, 2008. The Parties agree that the Tenant has not paid rent for January, 2009.

Analysis

I find that the Landlord has made out a claim for unpaid rent in the amount of $1,300.00. I also find that the Landlord is entitled to recover her $50.00 filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:

January 2009 rent:	$1,300.00
Filing fee:	$50.00
Subtotal:	$1,350.00
Less: Security deposit:	($650.00)
Accrued interest:	($2.80)
Balance Owing:	$697.20

Conclusion

A monetary order in the amount of **$697.20** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

Dated: December 2009