



# Dispute Resolution Services

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

## **DECISION AND REASONS**

Dispute Codes: OPR, MNR, MNSD, & FF

### Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim due to non-payment of rent by the tenant. Although the tenant was served with notice of this hearing and application by registered mail, he did not appear for the hearing.

The landlord confirmed in the hearing that an Order of Possession is no longer necessary as the tenant vacated the rental unit. The landlord seeks a monetary claim for the lost rent and requests to retain the tenant's security deposit plus interest in partial satisfaction of this claim.

### Issues to be Determined:

Has the landlord established a monetary claim related to non-payment of rent by the tenant? Is the landlord entitled to retain the tenant's security deposit plus interest in partial satisfaction of this claim?

### Background and Evidence:

This tenancy began on December 1, 2008 for the monthly rent of \$815.00 and a security deposit of \$400.00. The tenant's first rent cheque had insufficient funds and the landlord served a ten day Notice to End Tenancy on December 8, 2008. The tenant failed to pay the outstanding rent or to file an application to dispute the notice.

### Analysis:

I accept the evidence of the landlord that the tenant vacated the rental unit and the tenancy ended effective December 31, 2008. I also accept that the landlord was able to find a new tenant effective January 1, 2009.

I accept that the tenant failed to pay rent in December 2008 for the sum of \$815.00 and find that the landlord has established a monetary claim due to non-payment of rent. I find that the landlord is also entitled to recover the \$50.00 filing fee paid for this application from the tenant for a total monetary claim of \$865.00.

From this sum I Order that the landlord may retain the tenant's security deposit plus interest of \$400.51 in partial satisfaction of this claim. I grant the landlord a monetary

Order for the remaining balance of **\$464.49**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I have granted the landlord's application and awarded a monetary Order for the sum of **\$464.49**.

Dated January 06, 2009.

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Dispute Resolution Officer