



Dispute Resolution Services

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

Decision

Dispute Codes: MNSD

Introduction

This hearing dealt with the landlord's application for retention of the security deposit in partial satisfaction of the claim. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

As the tenant has vacated the unit and did not provide the landlord with a forwarding address, the landlord withdrew the earlier request for an order of possession.

The landlord has also presently withdrawn the earlier request for a monetary order as compensation for loss of rental income, advertising for new renters, repairs to damage, disposal of the tenant's abandoned furnishings, and recovery of the filing fee. In relation to these matters, at this time the landlord has not submitted photographs, receipts or other documentation in support of a claim.

Issue to be decided

- Whether the landlord is entitled to retention of the tenant's security deposit in partial satisfaction of the claim

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on or about February 1, 2009. Rent in the amount of \$770.00 is payable on the first day of each month, and a security deposit of \$385.00 was collected at the outset of tenancy.

The tenant failed to pay rent due on May 1, 2009. Subsequently, the landlord issued a 10 day notice to end tenancy for unpaid rent. The tenant did not pay the outstanding

rent within 5 days of receiving the notice, did not apply to dispute the notice, and did not appear at the hearing which was convened in response to the landlord's application. The landlord's agent testified that the tenant vacated the unit on or about May 15, 2009, and that she did not inform the landlord of a forwarding address. At the present time the landlord's application is limited to a request to retain the security deposit in partial satisfaction of a claim for unpaid rent for May 2009.

Analysis

After considering the documentary evidence and undisputed testimony of the landlord's agent, I find that the landlord has established entitlement to retain the tenant's security deposit. Accordingly, I order the landlord to retain the full security deposit in the amount of \$385.00. The landlord has the option of filing another application for dispute resolution in the event that the tenant's whereabouts become known and the landlord wishes to seek a monetary order to recover additional costs.

Conclusion

Following from all of the above, I order that the landlord retain the tenant's full security deposit in the amount of **\$385.00**.

DATE: June 16, 2009

Dispute Resolution Officer