



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, (MNSD), FF

### Introduction

This matter dealt with an application by the Landlord for Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. The Landlord claimed that the tenancy ended and as a result, he abandoned his application for an Order of Possession. At the beginning of the hearing, the Landlord also applied to amend his application to include a claim to keep the Tenant's security deposit to offset rent arrears. I find that it would serve no purpose to make the Landlord reapply for this relief and would likely result in the Tenant having to reimburse the Landlord for an additional filing fee, consequently, the amendment was granted.

The Landlord said he served the Application and Notice of Hearing on the Tenant's adult son (who resided with her in the rental unit) on July 31, 2009. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Is the Landlord entitled to keep the Tenant's security deposit.

### Background and Evidence

This tenancy started on November 2, 2005 and ended on August 4, 2009 when the Tenant moved out. Rent was \$325.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$162.50 at the beginning of the tenancy.

The Landlord said the Tenant did not pay rent for May, June, July and August 2009. The Landlord said he had to repair damages to the rental unit that were caused by the Tenant and remove a number of belongings that were abandoned. Consequently, the Landlord said the rental unit could not be re-rented until September 1, 2009.

### Analysis

In the absence of any evidence from the Tenant to the contrary, I find that there are rent arrears of \$975.00. I also find that the Landlord is entitled to a loss of rental income for



# Dispute Resolution Services

Page: 2

Residential Tenancy Branch  
Ministry of Housing and Social Development

August 2009 of \$325.00. As the Landlord has been successful in this matter, he is entitled to recover the \$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:

Rent arrears:	\$975.00
Loss of rental income:	\$325.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$1,350.00
Less: Security deposit:	(\$162.50)
Accrued interest:	<u>(\$5.75)</u>
Balance owing:	\$1,181.75

## Conclusion

A Monetary Order in the amount of **\$1,181.75** 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.

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 09, 2009.

---

Dispute Resolution Officer