



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of the hearing on April 4, 2011, the tenant did not attend the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on August 15, 2010 as a fixed term tenancy to end on August 15, 2011. Rent in the amount of \$1695 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$850.

Beginning in November 2010, the tenant's rent cheques were being returned for insufficient funds. The tenant paid no rent for December 2010, January 2011, February 2011 or March 2011. The landlord was able to re-rent the unit beginning March 11, 2011. The landlord has claimed \$1695 for each of the months of December 2010 through February 2011, and prorated rent of \$546 for March 1 to 10, 2011, for a total of \$5631. The landlord has also claimed \$212.50 for five NSF fees of \$42.50 each.

Analysis

I accept the landlord's undisputed evidence in its entirety. The landlord is entitled to \$5843.50, as claimed.

As the landlord's claim was successful, she is also entitled to recovery of the \$100 filing fee for the cost of her application.

Conclusion

The landlord is entitled to \$5940.50. I order that the landlord retain the security deposit of \$850 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$5093.50. This order may be filed in the Small Claims 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: July 25, 2011.

Residential Tenancy Branch