



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord, seeking a monetary order for rent owed and to retain the tenant's security deposit in partial satisfaction of the claim.

The applicant was present and participated in the hearing. Despite being served with the Notice of Hearing documents in person on October 31, 2012, the respondent did not appear and the hearing was therefore conducted in the respondent's absence.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for rental arrears owed?

Background and Evidence

The tenancy began approximately 10 years ago and current rent was set at \$510.00 per month. A security deposit of \$390.00 was paid. The landlord's application indicated that the landlord had obtained an Order of Possession at a prior hearing. The landlord testified that the tenant did not leave, but was granted a review hearing, the outcome of which was that the parties had reached a mutual agreement that the tenant would vacate the unit on December 10, 2012. The landlord was granted a partial reimbursement for the cost of the hearing in the amount of \$25.00 to be retained from the tenant's security deposit.

No tenancy agreement or other documentary evidence was submitted.

The landlord testified that the tenant failed to pay \$510.00 arrears owed for the month of September, 2012, \$510.00 rent for October, 2012, \$510.00 for November, 2012 and \$164.21 for the ten days that the tenant occupied the unit during December, 2012. The total amount being sought is \$1,694.51.

Analysis

With respect to the rent owed, I find that section 26 of the Act states that rent must be paid when it is due under the tenancy agreement. I find that the tenant failed to comply with this section of the Act. Accordingly I find that the tenant must compensate the

landlord for accrued rental arrears of \$1,694.51, plus the \$50.00 cost of this application for total compensation of \$1,744.51.

I find that the value of the tenant's security deposit had been previously reduced by \$25.00 from the prior decision, leaving \$365.00 deposit remaining, and interest of \$13.80. I find that the credit now held in trust for the tenant is \$378.80. I order that the landlord retain the tenant's remaining security deposit in partial satisfaction of the claim, leaving a balance still owed to the landlord in the amount of \$1,365.71.

I hereby grant the Landlord a monetary order under section 67 for \$1,365.71. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is ordered to retain the tenant's security deposit and granted a monetary order for the rest of the claim allowed.

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: January 30, 2013

Residential Tenancy Branch

