



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for rent owed.

The applicant was present and participated in the hearing. Despite being served with the Notice of Hearing documents by registered mail, 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 in April 2013 and rent was set at \$850.00. A security deposit of \$425.00 was paid. A copy of the tenancy agreement was submitted into evidence.

The landlord testified that the tenant consistently paid late and finally in July 2013, did not pay at all. A 10-Day Notice to End Tenancy for Unpaid Rent was issued on July 12, 2013.

The landlord testified that the tenant vacated on July 26, 2013, still owing rent of \$850.00 for July 2013.

The landlord is seeking compensation of \$850.00 for rent and reimbursement for the \$50.00 cost of the application.

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, whether or not the landlord complies with the Act, the regulations or the tenancy agreement. Accordingly I find that the tenant must compensate the landlord for rent owed for July 2013 in the amount of \$850.00.

Given the above, I find that the landlord has established a total monetary claim of \$900.00, comprised of rental arrears of \$850.00 and the \$50.00 cost of the application. I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim leaving a balance due of \$475.00.

I hereby grant the Landlord an order under section 67 for \$475.00. 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. The remainder of the landlord's application is dismissed without leave.

Conclusion

The landlord is partially 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 that was 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: October 09, 2013

Residential Tenancy Branch