Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FF MND MNDC MNR MNSD OPC

Introduction

This hearing was scheduled to deal with two applications: one by the landlord and one by the tenant. The tenant did not attend the hearing to present his case. Accordingly, the tenant's application is dismissed.

As for the landlord's application, the tenant did not attend today's hearing despite having been served with the Application for Dispute Resolution and Notice of Hearing in person on October 1, 2016.

The landlord initially requested an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. However, the tenant moved out of the rental unit on November 1, 20165 and as a result, an order of possession is no longer required by the landlord. The landlord also requested recovery of the filing fee for this application.

Issue(s) to be Decided

Is the landlord entitled to a monetary order? If so, for how much?
Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on July 1, 2016. The rent was $700 per month. The tenant paid a security deposit of $350 at the start of the tenancy. The tenant vacated the rental unit on November 1, 2016. The tenant failed to pay rent for September and paid only $500 for the month of October.

Analysis

The landlord has made a total monetary claim of $2100 for unpaid rent and damage to the rental unit.

I advised the landlord that his claim for damage to the rental unit was premature in that he made it prior to the tenant vacating and had provided no details (photos, repair documentation, etc). As a result, I advised the landlord that he would have to file a new application for the damage to the unit.

As for the unpaid rent, the tenant failed to pay any rent for September and paid only $500 for October. The tenant was required to pay the rent when it was due. I am satisfied that the landlord has established his claim for unpaid rent in the amount of $900.

Conclusion

I dismiss the tenant's application in its entirety.

I dismiss the landlord's application for a monetary order for damage to the unit with leave to reapply.

I find that the landlord has established a total monetary claim of $900 for the outstanding rent for September and October. The landlord is entitled to recover the $100 filing fee for this application for a total award of $1000. I order that the landlord retain the deposit and interest ($0.00) of $350 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of $650. 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: November 07, 2016

_____
Residential Tenancy Branch