



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to retain the security deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing on April 22, 2017 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

The landlord advised at the outset of the tenancy the tenant had vacated April 30, 2017 and the landlord regained possession. Therefore, the landlord solely seeks a Monetary Order for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began June 04, 2016 and has since ended. Rent in the amount of \$1700.00 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 \$900.00 retained in trust. The tenant failed to pay rent for the month of January 2017 in the amount of \$1300.00 and did not pay the rent for April 2017 and on April 08, 2017 the landlord served the tenant with a notice to end tenancy for non-payment of rent.

Analysis

Based on the landlord's evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has vacated but has not paid the outstanding rent owed for January and April 2017.

I find the landlord has established a monetary claim for unpaid rent in the sum of \$3000.00. The landlord is further entitled to recover the filing fee. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears / unpaid rent	\$3000.00
Filing Fees for the cost of this application	100.00
Less Security Deposit	-900.00
Total Monetary Award	\$2200.00

I Order that the landlord retain the security deposit of \$900.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$2200.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application in relevant part is granted.

This Decision is final and binding.

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: May 23, 2017

Residential Tenancy Branch