



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

**Dispute Codes:** MNR, MNSD, FF

### Introduction

This hearing dealt with an application from the landlord for a monetary order for unpaid rent, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

The landlord's agent stated that as the tenant vacated the unit in late December 2008, neither an order of possession nor compensation for loss of rental income are any longer being sought.

### Issue to be Decided

- Whether the landlord is entitled to a monetary order under the *Act*

### Background and Evidence

The tenancy began on October 1, 2008 with rent payable on the first day of the month in the amount of \$750.00. A security deposit of \$375.00 was paid by the tenant at the start of tenancy.

The tenant failed to pay rent for the month of December 2008. Accordingly, the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent, a copy of which was submitted into evidence by the landlord. The notice was dated December 2, 2008 and was posted on the tenant's door that same day.

## **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the notice which was December 15, 2008.

As for the monetary order, I find the landlord has established a claim for \$750.00. This is comprised of unpaid rent for the month of December 2008. The landlord is also entitled to recovery of the \$50.00 filing fee for this application (total claim: \$800.00). I order that the landlord retain the security deposit of \$375.00 plus interest of \$1.41, and I grant the landlord a monetary order under section 67 of the *Act* for the balance due of \$423.59 (\$800.00 - \$376.41).

## **Conclusion**

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$423.59**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 14, 2009

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Dispute Resolution Officer