

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 was convened in response to an application by the landlord for an Order of Possession due to unpaid rent, a Monetary Order to recover rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim.

As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on March 01, 2009. Rent in the amount of \$800 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 \$400. The tenant failed to pay rent in the month of May 2009 and on May 02, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent with an effective date of May 12, 2009. The tenant vacated the suite as per the Notice to End Tenancy for Unpaid Rent. The landlord's monetary claim is only for the unpaid rent in the amount of **\$800**.

The tenant does not dispute the landlord's claims.

Analysis

Based on the testimony of the landlord and the tenant 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 vacated the rental unit as per the Notice To End Tenancy.

As for the monetary order, I find that the landlord has established a claim for **\$800** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$850**.

Conclusion

I order that the landlord retain the security deposit - and no accrued interest earned - of \$400 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$450**. 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 June 22, 2009