



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing was served on the tenant on February 01, 2011, by registered mail to the dispute address. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The landlord found out from the building manager, on February 09, 2011 that the tenant had moved out. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent, the filing fee and to retain the security deposit.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, the filing fee and retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on August 01, 2010. The monthly rent was \$1,800.00 due in advance on the first of each month. The tenant paid a security deposit in the amount of \$900.00.

The tenant owed rent in the amount of \$200.00 for December 2010 and failed to pay rent on January 01, 2011. On January 07, 2011, the landlord served the tenant with a ten day notice to end tenancy. The landlord is claiming a total of \$2,000.00 which consists of unpaid rent for December 2010 (\$200.00) and for January 2011 (\$1,800.00)

Analysis

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the tenant owed \$200.00 for rent for December 2010, and \$1,800.00 for January 2011, for a total of \$2,000.00. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$2,050.00. 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 *Residential Tenancy Act* for the balance due of \$1,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$1,150.00**.

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: February 11, 2011.

Residential Tenancy Branch