



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 by the landlord for a monetary order for unpaid rent, an order to retain the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Despite being served in person on November 19, 2008 with the application for dispute resolution and notice of hearing, the tenant did not participate in the hearing. As the tenant has vacated the unit the landlord withdrew his earlier application for an order of possession.

Issue to be Decided

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

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of tenancy was from approximately November 1, 2006 to October 31, 2007. Thereafter, tenancy continued on a month-to-month basis. Currently, rent in the amount of \$650.00 is 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 \$275.00. The tenant failed to pay rent in the month of November and on November 8, 2008 the landlord served the tenant with a 10 day notice to end tenancy. The landlord submitted into evidence a copy of the 10 day notice. The tenant further failed to pay rent for the month of December and vacated the unit without notice or provision of a forwarding address on or around December 7, 2008.

Analysis

Based on the documentary evidence and the undisputed testimony of the landlord, 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.

As for the monetary order, I find the landlord has established a claim for \$1,300.00 which is comprised of unpaid rent for November (\$650.00) and compensation for loss of rental income for December (\$650.00). The landlord is also entitled to recovery of the \$50.00 filing fee (total claim: \$1,350.00). I order that the landlord retain the security deposit of 275.00 and interest of \$8.30 in partial satisfaction of the claim, and I grant the landlord a monetary order under section 67 of the *Act* for the balance due of \$1,066.70.

Conclusion

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$1,066.70**. This order must be served on the tenant and may be filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 9, 2008

Dispute Resolution Officer

