

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent, a monetary order to recover rental arrears, and loss of revenue, 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. Despite having been served with the application for dispute resolution and notice of hearing by personal service on January 8, 2009 the tenant did not participate in the conference call hearing.

The applicant advised the tenants vacated on January 10, 2009. As the tenants have moved from the rental unit, this decision will only deal with matters pertaining to the monetary claim.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on January 15, 2008. Rent in the amount of \$550 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. The tenant failed to pay rent in the month of December 2008, and on December 31, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of January 2009. The landlord advised that they

are only seeking one half (1/2) month's rent as lost revenue for the month of January 2009.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and vacated the rental unit on January 10, 2009, the adjusted effective date of the Notice, in response to it. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice.

Based on the above facts I find that the landlord has established a claim for \$550 in unpaid rent for December 2008, and \$225 for the month of January 2009. The landlord is also entitled to recovery of the \$50 filing fee for a **total claim of \$825.**

Conclusion

I order that the landlord retain the security deposit and interest of **\$278.97** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$546.03**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 05, 2009