

DECISION

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 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 registered mail the tenant did not participate in the conference call hearing. As the tenant moved from the rental unit on January 31, 2009, this decision will only deal with matters pertaining to the monetary claim.

The tenancy began on November 1, 2008. Rent in the amount of \$1500 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 \$750. The tenant failed to pay all the rent in the month of January 2009, paying only \$250 and on January 7, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant moved out on January 31, 2009 and the landlord does not have a forwarding address for the tenant. The landlord is seeking the balance of rent for the month of January 2009, in the amount of \$1250.

The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice.

I find that the landlord has established a claim for \$1250 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total claim of **\$1300**.

I order that the landlord retain the deposit and interest of \$751.88 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$548.12**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 16, 2009.