

DECISION

Dispute Codes:

MNSD, MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, 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.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on April 1, 2008. The tenancy ended December 15, 2008. Rent in the amount of \$1300 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 \$650.

The undisputed evidence before me is that the tenant communicated by telephone to the landlord in mid November 2008 their desire to move by the end of December 2008. The landlord verbally acknowledged the tenant's information to vacate and stated they would seek a new tenant for January 1, 2009, but the landlord also stated to the tenant their need to have written confirmation via proper notice of their intent to vacate the

premises in compliance with **Section 45 -Tenant's Notice** - of the Residential Tenancy Act (the Act). The tenant did not give forward a proper written Notice to Vacate to the landlord. The tenant failed to pay any rent in / for the month of December 2008. The tenant subsequently vacated the rental unit on December 15, 2008

Analysis

Based on the undisputed testimony of the landlord I find the tenant did not pay rent for December 2008, and has not applied for dispute resolution or appeared in this hearing to dispute the landlord's claims and is therefore conclusively presumed to accept the landlord's claim for compensation.

I find that the landlord has established a claim for \$1300 in unpaid rent for the month of December 2008. The landlord is also entitled to recovery of the \$50 filing fee for a quantum entitlement of **\$1350** from the tenant.

Conclusion

I order that the landlord retain the security deposit and interest of \$657.54 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$692.46**.

This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 31, 2009.