



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 from the landlord for a monetary order as compensation for unpaid rent, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. As the tenant vacated the unit subsequent to the landlord's application, an order of possession is no longer required. The landlord's agent and the tenant's agent both participated in the hearing and gave affirmed testimony.

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 month-to-month tenancy began on December 1, 2006. The unit is included in subsidized housing and the tenant's rent at the time when tenancy ended in March 2009 was \$871.00 per month. Rent was due at the beginning of the month, and a security deposit of \$405.00 was collected on November 15, 2006.

The tenant was in arrears with rent for February 2009 in the amount of \$226.00. Further, the tenant failed to pay rent due on March 1, 2009. Accordingly, the landlord issued a 10 day notice to end tenancy for unpaid rent. The landlord submitted into evidence a copy of the 10 day notice dated March 9, 2009 which was posted on the tenant's door on that same date. Subsequently the tenant vacated the unit on or around March 26, 2009.

Analysis

Based on the documentary evidence and testimony of the parties, 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 which was March 19, 2009.

As for the monetary order, I find that the landlord has established a claim of \$1,147.00. This is comprised of unpaid rent of \$226.00 for February 2009, unpaid rent of \$871.00 for March 2009, in addition to recovery of the \$50.00 filing fee for this application. I order that the landlord retain the security deposit of \$405.00 plus interest of \$12.51, and I grant the landlord a monetary order under section 67 of the Act for the balance due of \$729.49 (\$1,147.00 - \$417.51)

Conclusion

I hereby grant the landlord a monetary order under section 67 of the Act for **\$729.49**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 13, 2009

Dispute Resolution Officer