

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, FF

### **Introduction**

This hearing was convened in response to 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 personally served with the application for dispute resolution and notice of hearing on April 29, 2009, by an associate of the landlord, in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

As the tenant moved from the rental unit on April 25, 2009, 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 October 01, 2008. Rent in the amount of \$1250 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 \$625. The tenant failed to pay all of the rent in the month of March 2009 (paid \$1000). The tenant further failed to pay rent in the month of April 2009, and on April 07, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The quantum of the landlord's monetary claim is **\$1500**.

## **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 I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted the tenancy ended and the amount of arrears stated in the Notice.

I find that the landlord has established a claim for **\$1500** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1550**.

## **Conclusion**

**I order** that the landlord retain the deposit and accrued interest of \$627.36 in partial satisfaction of the claim and **I grant** the landlord an order under Section 67 for the balance due of **\$922.64**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.