

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application 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. The landlord's agent participated in the hearing and gave affirmed testimony. Despite posting of the application for dispute resolution and notice of hearing on the tenant's door on September 25, 2009, the tenant did not appear.

As the tenant has now vacated the unit, the landlord withdrew the earlier application for an order of possession.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy was from November 1, 2007 to October 31, 2008. Thereafter, tenancy continued on a month-to-month basis. By the end of tenancy, rent in the amount of \$650.00 was payable on the first day of the month. A security deposit of \$310.00 was collected on October 20, 2007.

As at August 31, 2009, rent remained overdue during several months in the total amount of \$1,505.00. The landlord issued a 10 day notice to end tenancy for unpaid rent dated September 15, 2009. The notice was served by posting on the tenant's door on that same date, and copy was submitted into evidence. Subsequently, the tenant made no payments toward rent and vacated the unit on or about October 31, 2009, without providing the landlord with a forwarding address.

Analysis

As for a monetary order, based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the landlord has established a claim of \$3,180.00.

This is comprised of \$1,505.00 in unpaid as at August 31, 2009, unpaid rent of \$650.00 for September 2009, unpaid rent of \$650.00 for October 2009, unpaid rent of \$325.00 for the period from November 1 to 15, 2009, in addition to recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit of \$310.00 plus interest of \$5.59, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,864.41 (\$3,180.00 - \$315.59).

Conclusion

Following from all of the above and pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$2,864.41**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: November 9, 2009

Dispute Resolution Officer