

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order for unpaid rent, an order to retain the security deposit and interest in partial satisfaction of the claim, and to recover the filing fee for the Application.

Although duly served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on October 16, 2009, and deemed under the Act to be received five days later, the Tenant did not appear. I find the Tenant has been served in accordance with the Act.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

Background and Evidence

Based on the affirmed testimony and the evidence provided by the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy by the Landlord for unpaid September rent, on September 2, 2009.

The Tenant vacated the property in accordance with the Notice to End, however, the Tenant failed to pay the rent for September of 2009.

The Landlord claims \$959.00 in unpaid rent for September, a \$25.00 late fee in accordance with an addendum to the tenancy agreement and \$50.00 for the filing fee for the Application, totalling \$1,034.00.

Analysis

Based on the foregoing, the testimony and evidence, and on a balance of probabilities, I find that the Tenant failed to pay rent to the Landlord for September of 2009, in breach of the tenancy agreement and the Act.

Section 67 of the Act states:

Without limiting the general authority in section 62(3) [*director's authority*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

Therefore, I find the Landlord has established a right to monetary compensation from the Tenant, and I allow the Landlord **\$1,034.00** in compensation. I order that the Landlord retain the deposit and interest of **\$427.10** in partial satisfaction of the claim and I grant the Landlord a monetary order under section 67 for the balance due of **\$606.90**.

This order may be filed in the Provincial Court (Small Claims) 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*.

Dated: January 04, 2010.

Dispute Resolution Officer