

Decision

Dispute Codes:

OPR, MNSD, MNR, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; to apply the security deposit towards her monetary award, and to recover the cost of the filing fee from the Tenant.

I reviewed the evidence provided by the Landlord prior to the Hearing. The Landlord gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Landlord testified that the Tenant has moved out of the rental unit, and therefore she no longer requires an Order of Possession. The Landlord's application for an Order of Possession is dismissed as withdrawn.

Issue(s) to be Decided

- (1) Is the Landlord entitled to a monetary order for unpaid rent, and if so
- (2) Is the Landlord entitled to apply the security deposit towards her monetary award?

Background and Evidence

The Landlord testified that she personally served the Tenant with the Notice to End Tenancy at the rental unit on December 10, 2009

.

The Landlord testified that she personally served the Tenant with the Application for Dispute Resolution and hearing package at the rental unit on December 29, 2009.

The Landlord's Witness testified that he was present on both occasions when the Tenant was served with the Notice to End Tenancy and when the Tenant was served with the Notice of Hearing package.

The Landlord testified that:

- The tenancy began on April 1, 2009. There is a written tenancy agreement. The monthly rent was \$450.00, due on the first day of the month. The Tenant paid a security deposit to the Landlord in the amount of \$212.50 on March 21, 2009.
- The Landlord issued the Notice to End Tenancy for unpaid rent for the month of December. The Tenant has still not paid rent for the month of December, 2009.

Analysis

I accept the Landlord's testimony and documentary evidence that the Tenant was duly served with the Notice to End Tenancy and the Notice of Hearing Package and Application for Dispute Resolution. In spite of being served with the Notice of Hearing Package, the Tenant did not appear at today's Hearing and the Hearing proceeded in her absence.

Based on the undisputed testimony of the Landlord, and the absence of any evidence to the contrary from the Tenant, the Landlord has established her claim for unpaid rent in the amount of \$450.00.

Pursuant to the provisions of Section 72 of the Act, the Landlord may apply the security deposit in partial satisfaction of her monetary claim. No interest has accrued on the security deposit.

The Landlord has been successful in her application and is entitled to recover the filing fee in the amount of \$50.00 from the Tenant.

The Landlord has established a monetary order, as follows:

Unpaid rent	\$450.00
Recovery of the filing fee	\$50.00
Less security deposit	<u><\$212.50></u>
TOTAL amount due to Landlord after set off	\$312.50
	=====

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of \$312.50 against the Tenant. This Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

February 9, 2010

Date of Decision
