



# Dispute Resolution Services

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Residential Tenancy Branch  
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.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord advised the tenant vacated on February 01, 2010. As a result an Order of Possession is not necessary, and that portion of the landlord's claim is hereby **dismissed** without leave to reapply. The hearing advanced on the merits of the monetary claim.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed for unpaid rent?

### **Background and Evidence**

The landlord's undisputed evidence is as follows. The tenancy began in 2009. Rent in the amount of \$1000 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 \$500 and currently retains this amount. The tenant failed to pay rent in the month of December 2009 and on December 16, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of January 2010. The quantum of the landlord's monetary claim for unpaid rent is \$2000.

### **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.

Based on the above facts I find that the landlord is entitled to a Monetary Order for the unpaid rent. As to the monetary order, I find that the landlord has established a claim for **\$2000** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$2050**.

### **Conclusion**

**I order** that the landlord retain the deposit and interest of \$500 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1550**. If necessary, 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*.

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