

## **DECISION**

**Dispute Codes**      OPR, MNR, MNSD, FF, SS

### **Introduction**

This hearing dealt with an application by the landlord for an Order of Possession, a monetary order, an order to retain the security deposit in partial satisfaction of the claim, and an order to recover the filing fee from the tenant for the cost of this application.

Despite having been served with the application for dispute resolution and notice of hearing by registered mail on February 17, 2010, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord testified that the tenant moved out of the residence on March 7, 2010, and has therefore withdrawn his claim for an Order of Possession.

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

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

### **Background and Evidence**

The tenancy began on December 1, 2009. Rent in the amount of \$950.00 is 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 \$475.00. The tenant failed to pay rent in the month of February, 2010 and on February 3, 2010 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 March, but since the tenant vacated the rental premises on March 7, 2010, the landlord has applied for 7 days of rent only.

## **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. 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 that the tenancy ended on the effective date of the notice.

## **Conclusion**

As for the monetary order, I find that the landlord has established a claim for \$1,164.51 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the deposit and interest of \$475.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$739.51. 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*.

Dated: March 10, 2010.

---

Dispute Resolution Officer