

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened on this date to deal with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing personally on January 30, 2010, the tenant did not participate in the conference call hearing.

The landlord testified that the tenant vacated the rental premises sometime in the beginning of February, 2010, and therefore, an Order of Possession is not required.

Issues(s) to be Decided

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

Is the landlord's request to keep all or part of the security deposit justified?

Background and Evidence

The tenancy began on May 1, 2009. Rent in the amount of \$830.00 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 \$415.00. The tenant failed to pay rent in full in the months of November and December, 2009 as well as in January, 2010 and on January 30, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord testified that the tenant paid the following amounts for those months:

November, 2009	Rent Owed: \$830.00	Rent Paid: \$440.00
December, 2009	Rent Owed: \$830.00	Rent Paid: \$600.00
January, 2010	Rent Owed: \$830.00	Rent Paid: \$750.00

Total Owed: \$2,490.00 Less Payments: \$1,790.00 Outstanding: \$700.00

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.

I find that the landlord has established a claim for \$700.00 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I order that the landlord retain the deposit and interest of \$415.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$335.00. 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 12, 2010.

Dispute Resolution Officer