

DECISION

Dispute Codes CNC, OLC, OPC, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call to deal with an application by the landlord for an Order of Possession, a monetary order for unpaid rent, and an order to retain the security deposit in partial satisfaction of the claim; and to deal with the tenant's application to cancel a Notice to End Tenancy for Cause, and for an order that the landlord comply with the *Act*, regulation or tenancy agreement. Despite having been served with the landlord's amended application for dispute resolution and notice of hearing on March 1, 2010 personally, the tenant did not participate in the conference call hearing.

This matter was set for a conference call hearing at 11:00 a.m. on this date. As the tenant has not called into the conference call, the tenant's application is dismissed with leave to reapply.

At the outset of the hearing, the landlord stated that the tenant vacated the rented premises on February 28, 2010, and therefore no Order of Possession is being sought, and I dismiss that portion of the landlord's claim.

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 10, 2009. Rent in the amount of \$400.00 was payable on February 17, 2010 from a shelter allowance, but the tenant did not submit it

to the landlord. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$200.00. The tenant failed to pay rent in the month of February through March and on February 17, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent.

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 attended the dispute resolution hearing 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 \$400.00 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 \$200.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$250.00. 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 16, 2010.

Dispute Resolution Officer