

## **DECISION**

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

### **Introduction**

This hearing dealt 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 February 17, 2010, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord's agent stated that the tenant vacated the rental premises on February 23, 2010, and therefore, no Order of Possession is sought.

Further, the landlord's agent stated that since the tenant vacated the unit before the end of February, she is only claiming rental arrears in the amount of \$800.00.

### **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 October 1, 2008. Rent in the amount of \$800.00 is payable in advance on the first day of each month. On September 17, 2008, the landlord collected a security deposit from the tenant in the amount of \$400.00. The tenant failed to pay rent in the month of February, 2010 and on February 2, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting it to the door of the residence.

## **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.

As for the monetary order, I find that the landlord has established a claim for \$800.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

## **Conclusion**

I order that the landlord retain the deposit and interest of \$400.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$450.00. 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 24, 2010.

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Dispute Resolution Officer