

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent, retention of the security deposit, and recovery of the filing fee.

The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to any of the above under the Act

Background and Evidence

There is no written tenancy agreement for this month-to-month tenancy which began on May 1, 2008. Rent in the amount of \$1,200.00 was payable in advance on the first day of each month. A security deposit of \$250.00 was collected on or about April 16, 2008.

Arising from rent which was unpaid when due on July 1 and August 1, 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 9, 2009. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant made no payment toward rent and vacated the unit at the end of August 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 9, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, as earlier stated, the tenant vacated the unit at the end of August 2009.

As for the monetary order, I find that the landlord has established a claim of \$2,450.00. This is comprised of \$2,400.00 in unpaid rent combined for July and August 2009 (2 x \$1,200.00), in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$250.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,200.00 (\$2,450.00 - \$250.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,200.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: April 29, 2010

Dispute Resolution Officer