

## **DECISION**

**Dispute Codes**      OPR, MNR, MNSD

### **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 21, 2010, the tenants did not participate in the conference call hearing.

At the outset of the hearing, the landlord's agent testified that the tenants vacated the unit on March 31, 2010 and, therefore, the Order of Possession is not sought. I hereby dismiss that portion of the application without leave to reapply.

### **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 November 1, 2009. Rent in the amount of \$600.00 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 \$300.00. The tenants failed to pay rent in full in the month of February, 2010 and on February 2, 2010 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants made the February payment in 2 installments: February 11, 2010 the tenants paid \$400.00 and on February 17, 2010 they paid the remaining \$200.00.

The tenants further failed to pay rent in the month of March, 2010, and vacated the unit on March 31, 2010 leaving \$600.00 outstanding in rent.

## **Analysis**

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are 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 \$600.00 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 \$300.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$350.00. 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: April 08, 2010.

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Dispute Resolution Officer