

DECISION

Dispute Codes OPR, 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 or utilities 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 by registered mail on March 19, 2010, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord's agent testified that the tenant vacated the unit on or about April 27, 2010, and therefore, the application for an Order of Possession is hereby dismissed as withdrawn.

Issues(s) to be Decided

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

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

Background and Evidence

The tenancy began on January 2, 2010 as a fixed term tenancy that was to expire on June 30, 2010. Rent in the amount of \$1,000.00 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 \$500.00. The tenant failed to pay rent in the month of March, 2010 and on March 4, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of April, 2010. The landlord's agent testified that she went into the unit on April 27, 2010 after noticing the door open, and found the key for the unit on the table. An old sofa, bed and table with 4 chairs were left behind in the unit. There was also spoiled food in the cupboard and in the fridge.

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.

Conclusion

I find that the landlord has established a claim for \$2,000.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit and interest of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,550.00. 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: May 10, 2010.

Dispute Resolution Officer