

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The landlord also sought authorization to retain the security deposit and recover the filing fee paid for this application. The tenant did not appear at the hearing. The landlord provided evidence the tenant was notified of this hearing via registered mail sent to the rental unit when the tenant was still residing at the rental unit. The landlord testified the tenant subsequently moved out and the registered mail was returned as unclaimed. I was satisfied the tenant was notified of this proceeding in a manner that complies with the Act and I proceeded to hear from the landlord without the tenant present.

Since the tenant has vacated the rental unit an Order of Possession is no longer required and I do not provide one with this decision.

Issues(s) to be Decided

1. Has the landlord established an entitlement to a Monetary Order for unpaid rent?
2. Is the landlord authorized to retain the security deposit?

Background and Evidence

The landlord testified as follows. The tenancy commenced February 2009 and the tenant paid a \$750.00 security deposit. The tenant was required to pay rent of \$1,500.00 on the 1st day of every month. The tenant failed to pay rent for the month of April 2010 and the landlord posted a *10 Day Notice to End Tenancy for Unpaid Rent* (the Notice) on the rental unit door on April 10, 2010 in the presence of a witness. The Notice indicates that \$1,500.00 was outstanding as of April 1, 2010 and had an effective

date of April 23, 2010. The tenant did not pay the outstanding rent and phoned the landlord April 30, 2010 to advise the landlord he was vacating the unit.

As evidence for the hearing, the landlord provided a copy of the Notice and the registered mail receipt.

Analysis

Upon consideration of the evidence before me, I am satisfied the tenant was required to pay rent of \$1,500.00 on April 1, 2010 and failed to do so. I find the landlord has established an entitlement to recover unpaid rent of \$1,500.00 from the tenant. I authorize the landlord to retain the tenant's security deposit in partial satisfaction of the rent owed.

Since the landlord was successful in this application, I award the filing fee to the landlord. The landlord is provided a Monetary Order for the balance of unpaid rent and the filing fee in the total amount of \$800.00. The Monetary Order must be served upon the tenant and may be filed in Provincial Court (Small Claims) to enforce as an Order of that court.

Conclusion

The landlord is authorized to retain the tenant's security deposit in partial satisfaction of rent owed for April 2010 and is provided a Monetary Order for the balance of \$800.00 to serve upon the tenant.

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: June 11, 2010.

Dispute Resolution Officer