

## **DECISION**

### **Dispute Codes:**

MNR, MND, MNSD, MNDC, FF

### **Introduction**

This hearing was convened in response to an *orally amended application* by the landlord only for a Monetary Order to recover unpaid rent and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on December 10, 2009 and ended February 28, 2010. Rent in the amount of \$900 was 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 \$450. The tenant failed to pay rent in the month of January 2010 and on January 10, 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 February 2010. The quantum of the landlord's monetary claim is for the unpaid rent in the amount of **\$1800**.

### **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 and I find the notice to be valid. 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 the monetary amount owed to the landlord.

I find that the landlord has established a claim for **\$1800** in unpaid rent. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$1850**

### **Conclusion**

**I order** that the landlord retain the deposit and interest of \$400 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1450**. If necessary, 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*.

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