

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession due to unpaid rent, a Monetary Order to recover rental arrears 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 on May 28, 2010 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord testified that the tenant has vacated the rental unit. An Order of Possession is not necessary and its application is preliminarily **dismissed**.

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

Is the landlord entitled to the monetary amount claimed for unpaid rent?

### **Background and Evidence**

The tenancy began on February 01, 2010. Rent in the amount of \$850 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 \$425. The tenant failed to pay rent in the month of May, 2010 and the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord's monetary claim is for the unpaid rent of **\$850**.

### **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. I find the tenant has not paid the rental arrears.

I find that the landlord has established a claim for **\$850** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$900**.

### **Conclusion**

**I order** that the landlord retain the deposit and interest of \$425 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$475**. 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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