

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for rent, loss of income and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing dated was served on the tenant on May 27, 2010, by registered mail. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenants did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Since the tenant had moved sometime prior to June 06, 2010, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent for May, loss of income for June, the filing fee and to retain the security deposit.

Issues to be decided

Is the landlord entitled to a monetary order to recover rent, loss of income and the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on February 21, 2010. The monthly rent was \$850.00 payable in advance on the first of each month. Prior to moving in the tenant paid a security deposit in the amount of \$425.00.

The tenant failed to pay rent for May and on May 04, 2010; the landlord served a ten day notice to end tenancy for unpaid rent. The tenant did not respond to the notice. The landlord filed this application for an order of possession and a monetary order and also served the tenant a 24 hour notice to inspect the unit. On June 06, 2010, the

landlord visited the unit and found it vacant. The tenant had left the keys on the kitchen counter top.

The landlord advertised the availability of the rental unit and found a tenant for June 26, 2010. The landlord is claiming \$848.56 towards unpaid rent for May plus loss of income in the amount of \$736.66 which is prorated rent for the period of June 01 to June 26, 2010. The landlord is also claiming the filing fee of \$50.00.

Analysis

In the absence of evidence to the contrary, I find that the tenant owes \$848.56 for rent for May and \$736.66 for rent for June 2010. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$1,635.22. I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,210.22. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$1,210.22**.

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: July 12, 2010.

Dispute Resolution Officer