

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The Agent for the landlord provided affirmed testimony that on June 4, 2010 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail at the address noted on the Application. A Canada Post tracking number was provided as evidence of service.

These documents are deemed to have been served in accordance with section 89 of the Act; however the Tenant did not appear at the hearing.

Preliminary Matter

The landlord stated the tenant moved out of the rental unit sometime between July 11 and 15, 2010, and that an Order of possession is no longer required.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

May the landlord retain the deposit paid by the tenant?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on February 1, 2010, rent was \$1,250.00 per month, due on the first day of each month. On January 15, 2010, a deposit in the sum of \$675.00 was paid.

The tenant did not pay May rent owed and on May 16, 2010, the landlord personally served her with Notice ending the tenancy. The tenant subsequently paid May rent owed and \$350.00 of June rent owed; leaving rent arrears for June in the sum of \$1,000.00. The tenant did not pay any rent in July.

The landlord was at the rental unit on the weekend of July 10 – 11, 2010, and the tenant was occupying the rental unit. When the landlord attended at the rental unit on July 15, 2010, to complete a pre-arranged inspection the tenant had vacated the rental unit.

The landlord is claiming unpaid rent and loss of revenue in the sum of \$2,350.00.

Analysis

In the absence of evidence to the contrary, I find that the tenant was served with a Notice to End Tenancy that required the tenant to vacate the rental unit on May 26, 2010; ten days after service, pursuant to section 46 of the Act.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$2,350.00 for June and July, 2010, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit plus interest, in the amount of \$675.00, in partial satisfaction of the monetary claim.

Conclusion

I find that the landlord has established a monetary claim, in the amount of \$2,400.00, which is comprised of \$2,350.00 in unpaid June and July, 2010, rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution. The landlord will be retaining the tenant's security deposit in the amount of \$675.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of **\$1,725.00**. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia 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: July 20, 2010.

Dispute Resolution Officer