



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and compensation for loss under the *Act* pursuant to section 67; and
- authorization to retain all or a portion of the tenant's security deposit pursuant to section 38 in partial satisfaction of the monetary order requested.

The tenant did not attend the hearing. The landlord attended and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she hand delivered to the tenant a notice to end tenancy for unpaid rent on June 7, 2010 and the application for dispute resolution package on July 2, 2010. I am satisfied that the landlord served notice of this application for dispute resolution in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession? Is the landlord entitled to a monetary order for unpaid rent? Is the landlord entitled to recover all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested?

Background and Evidence

The landlord testified that the tenant moved into the rental premises on October 15, 2009. Monthly rent was set at \$375.00 per month. The landlord continues to hold the tenant's \$187.50 security deposit plus interest.

The landlord testified that it appears that the tenant vacated the rental premises on or about August 15, 2010. However, as some of his belongings remain on the premises, the landlord asked for an Order of Possession in accordance with her June 7, 2010 Notice to End Tenancy for Unpaid Rent. She also requested a monetary order of \$375.00 for unpaid rent from November 2009. She said that a government ministry has settled the tenant's rental arrears for more recent months where the tenant's rent remained owing.

Analysis

Based on the landlord's undisputed testimony, I grant the landlord an immediate Order of Possession. I grant a monetary award for unpaid rent for November 2009. As set out below, I allow the landlord to retain all of the tenant's security deposit plus interest in partial satisfaction of this monetary order. No interest is payable over this period.

Item	Amount
Unpaid November 2009 Rent	\$375.00
Less Security Deposit	-\$187.50
Total Monetary Award	\$187.50

Conclusion

I issue the landlord an immediate Order of Possession. I issue a monetary Order in the landlord's favour in the amount of \$187.50.

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to

comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.