DECISION

<u>Dispute Codes</u>   OPR, MNR, MNSD, FF

<u>Introduction</u>

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 pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that he served the tenant with a Ten Day Notice to End Tenancy for Unpaid Rent on July 6, 2010 by posting it to the tenant's door, by email, by text and by fax. The landlord testified that he sent the tenant the application for dispute resolution package on July 20, 2010 by registered mail. He submitted into evidence the Canada Post Tracking Number to confirm this mailing. I am satisfied that the landlord served the tenant with the notice to end tenancy and the application for dispute resolution in accordance with the *Act.*

The landlord testified that the tenant vacated the rental premises on July 29, 2010. He said that he no longer required an Order of Possession.

<u>Issues(s) to be Decided</u>

Is the landlord entitled to a monetary order for unpaid rent? Is the landlord entitled to retain the tenant's security deposit in partial satisfaction of the monetary order requested? Is the landlord entitled to recover his filing fee for this application from the tenant?

Background and Evidence

The landlord said that the tenant moved into the rental premises on June 15, 2010. The tenant paid $700.00 for June 2010. The tenant did not pay the July 2010 rent of $1,400.00, prompting the landlord's notice to end tenancy. The landlord testified that he continues to hold the tenant's $700.00 security deposit, paid on June 14, 2010. The landlord requested a monetary order for unpaid rent for July and August 2010.

Analysis

I grant the landlord a monetary Order for unpaid rent for July and August 2010. I authorize the landlord to retain the tenant's security deposit in partial satisfaction of this monetary Order. I allow the landlord to recover his $50.00 filing fee for this application.

Conclusion

I dismiss the landlord's application for an Order of Possession.

I grant the landlord a monetary Order in the following terms:

Item	Amount
Unpaid July 2010 Rent	$1,400.00
Unpaid August 2010 Rent	1,400.00
Less Security Deposit	-700.00
Recovery of Filing Fee for this application	50.00
Total Monetary Award	**$2,150.00**

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.*