

DECISION

Dispute Codes MT, CNR, OPR, MNR, MNSD, FF

Introduction

The Tenant has filed an application for more time needed to contest a notice to end tenancy and to cancel the notice to end tenancy for unpaid rent.

The Landlord has filed an application for dispute resolution to end tenancy and is seeking an order of possession, a monetary order for unpaid rent and to keep all or part of the security deposit as well as to seek the recovery of the filing fee for the cost of this application.

The Tenant did not appear for the 9:30 hearing time set down on this date by conference call. I dismiss the Tenants applications. The Landlord appeared by conference call and gave affirmed testimony. The Landlord states that the Tenant may have abandoned the rental unit, but is unsure as the Tenant has not returned any keys to the unit.

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 ?

Can the Landlord keep the security deposit?

Background and Evidence

This Tenancy began on May 1, 2010 on a 6 month fixed term lease. The monthly rent was \$875.00 payable on or before the 1st of each month and a security deposit of \$437.50 was paid on April 30, 2010. The Landlord has personally served the 10 day notice to end tenancy for unpaid rent for the month of September on September 13, 2010. The hearing documents were served on the same day in person. The Landlord states that the Tenant was moving things out on October 15, 2010 and it appeared that

he was vacating the rental unit. The Landlord states that they saw the Tenant on October 16 or 17 and confirmed that the Tenant would appear at the hearing. The Landlord has stated that the rent of \$875.00 for each of the months of September and October 2010 remain unpaid.

Analysis

I accept the Landlord's undisputed testimony and I am satisfied that the Tenant was properly served with the hearing documents. I find that the Landlord is entitled to an order of possession for the rental unit. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the Landlord has established a claim for \$1,750.00 for unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$437.50 deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$1,362.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$1,362.50. The Landlord may retain the security deposit.

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*.
