



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

The landlord advised the tenants vacated on November 15, 2010, therefore Possession of the rental unit has reverted back to the landlord.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service on October 26, 2010 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on May 01, 2010. Rent in the amount of \$1200 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$600 which the landlord still holds. The tenant failed to pay rent in the month of October and on October 11, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of

rent. The tenant further failed to pay rent in the month of November 2010. The landlord claims an NSF fee of \$40, for which they have not provided proof. The quantum of the landlord's monetary claim is for **\$2440**.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and the tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the landlord's notice.

I find that the landlord has established a monetary claim for **\$2400** in unpaid rent. The landlord's has not substantiated their claim for an NSF cheque charge. That claim is therefore dismissed. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$2450**. The **security deposit** will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears	\$2,400.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest <i>to date</i>	-600.00
Total Monetary Award	\$1,850.00

Conclusion

I order that the landlord retain the **deposit** and interest of \$600 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1850**. If necessary, this order may be filed in the 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*.