



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR, OP, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order for unpaid rent, an Order of possession and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided evidence that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant on October 20, 2010 via registered mail at the address noted on the Application. A Canada Post web site tracking document was provided as evidence of service to the tenant prior to the end of October, 2010.

These documents are deemed to have been served on the fifth day after mailing, in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

Preliminary Matter

The landlord withdrew the request for an Order of possession as the tenant has vacated the rental unit.

Issue(s) to be Decided

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

Is the landlord entitled to filing fee costs?

Background and Evidence

On April 29, 2005 the tenant paid a deposit in the sum of \$200.00. The tenant's subsidized rent was set at \$420.00 effective May 1, 2010. Rent was due on the first day of each month.

The landlord issued the tenant a 10 Day Notice ending tenancy for unpaid October, 2010, rent; the notice was posted to the tenant's door on October 8, 2010.

The landlord provided a copy of written notice given by the tenant issued on September 21, 2010; indicating that she would vacate the unit on October 31, 2010. The tenant has not provided the landlord with her written forwarding address.

Analysis

I find that the tenancy ended on October 31, 2010; the date the tenant provided in her written notice ending tenancy. I find that the effective date of the 10 day Notice issued to the tenant was October 21, 2010; ten days after service to the tenant.

I find that the tenant has not paid October rent in the sum of \$420.00 and that the landlord is entitled to compensation in that sum.

The landlord is holding a deposit in the sum of \$200.00 plus interest of \$7.09. Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant. Therefore, I find that the landlord may retain the tenant's security deposit plus interest, in the amount of \$207.09, in partial satisfaction of the monetary claim. .

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

Conclusion

I find that the landlord established a monetary claim, in the amount of \$470.00, which is comprised of October rent in the sum of \$420.00 and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will retain the deposit plus interest in the sum of \$207.09 in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance in the sum of \$260.93. 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: November 16, 2010.

Dispute Resolution Officer