

## **DECISION**

Dispute Codes      MNDC, OLC, ERP, RP, RR, OPR, MNR, MNSD, FF

### Introduction

This is an application by the Landlord for an order of possession for unpaid rent, to keep the security deposit and the recovery of the filing fee.

The Landlord attended by conference call and gave undisputed affirmed testimony. The Tenant did not attend. As the Tenant did not attend for their application, I dismiss it without leave to reapply. The Landlord states that the Tenant vacated the rental unit on November 2, 2010 and that an order of possession is no longer being sought as the Landlord now has control of the rental unit.

### Issues(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

Is the Landlord entitled to keep the security deposit?

### Background and Evidence

The Landlord served the notice of the hearing by posting it on the door of the rental unit and sending it by registered mail on October 21, 2010.

The Landlord states that the tenancy began on January 1, 2010 on a fixed term tenancy until December 31, 2010 as provided in the tenancy agreement filed. The monthly rent is \$1,275.00 payable on the 1st of each month. A security deposit of \$635.50 was made on December 15, 2009. The Landlord is claiming for unpaid rent for May, June, July, August, September and October of 2010 for \$1,275.00 each month totalling, \$7,650.00. The Landlord stated during the hearing that she is only seeking a claim for the unpaid

rent and is withdrawing her claim on all other matters from her application. The Landlord has provided detailed information from a rental ledger.

### Analysis

I am satisfied that the Landlord has properly served the Tenant with the hearing documents by registered mail. The Landlord has established a claim for the unpaid rent of \$7,650.00 by providing rental ledgers to support her claim. The Landlord is also entitled to the recovery of the \$100.00 filing fee. I order that the Landlord retain the \$635.50 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$7,114.50. 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 a monetary order for \$7114.50.  
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*.

Dated: November 04, 2010.

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Dispute Resolution Officer