



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute codes      OP MNR MNSD FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The landlord also requested recovery of the filing fee from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on November 8, 2010 the tenant did not appear.

At the outset of the hearing the landlord advised that the tenant had already vacated the rental unit and that an order of possession was no longer necessary.

### Issues

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

### Background and Evidence

This tenancy began on September 1, 2010 and ended on or about November 2, 2010 when the tenant vacated the rental unit. The rent was \$944.00 due in advance on the first day of each month. A security deposit of \$472.00 was paid at the start of the tenancy. On October 9, 2010 the tenant was served with a Notice to End Tenancy for non-payment of rent. The tenant did not pay any rent for October or November.

### Analysis & Conclusion

The tenant failed to pay the rent as set forth in the tenancy agreement and was therefore served with a 10-day Notice to End Tenancy. The tenant then proceeded to stay in the rental unit for the month of October and the first two days of November without paying any rent.

Based on the above, I find that the landlord has established a total monetary claim of \$\$1,938.00 comprised of \$944.00 in unpaid rent for October, \$944.00 in unpaid rent for

November and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$472.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,466.00. 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*.