

Decision

Dispute Codes: MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite being served in person on December 9, 2010 with the application for dispute resolution and notice of hearing, the tenant did not appear.

As the tenant vacated the unit subsequent to the landlord's filing of the application, the landlord withdrew the aspect of her original application concerning an order of possession.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from October 1, 2010 to September 30, 2011. Monthly rent of \$1,250.00 included \$150.00 for utilities. A security deposit and pet damage deposit in the combined amount of \$1,100.00 was collected near the outset of tenancy. During the tenancy, the parties reached an agreement whereby the pet damage deposit was used to offset a portion of November's rent.

Arising from rent which was unpaid when due on December 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated December 2, 2010. The notice was served in person on the tenant on that same date. A copy of the notice was

submitted into evidence. Subsequently, the tenant made no payment toward rent and vacated the unit on or about December 12, 2010 without providing the landlord with a forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlord has established a claim of \$1,300.00. This is comprised of \$1,250.00 in unpaid rent / utilities for December 2010, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$550.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$750.00 (\$1,300.00 - \$550.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$750.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 29, 2010

Dispute Resolution Officer