



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord. The tenant did not attend.

The landlord testified that he served the tenant with notice of this hearing personally on November 25, 2010. I accept the landlord's testimony and find the tenant was served in accordance with the *Residential Tenancy Act (Act)*.

At the outset of the hearing the landlord confirmed that the tenant moved out of the rental unit by December 1, 2010 and that he returned the keys to the landlord, as such there is no longer a need for an order of possession. I amend the landlord's Application to exclude the matter of possession.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

### Background and Evidence

The tenancy began on June 1, 2010 as a month to month tenancy for a monthly rent of \$550.00 due on the 1<sup>st</sup> of the month with a security deposit of \$275.00 paid. The landlord testified that he issued a 10 Day Notice to End Tenancy for Unpaid Rent on November 12, 2010 with an effective date of November 23, 2010.

The landlord testified that the tenant failed to pay the full rent for the month of September, 2010 and that the tenant owes \$190.00. In addition, the landlord testified that the tenant failed to pay any rent for November 2010.

Analysis

In the absence of any testimony or evidence from the tenant, I accept the landlord's testimony that the tenant owes the landlord rent for the months of September and November 2010.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$790.00** comprised of \$740.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$275.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$515.00**. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: December 13, 2010.

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Dispute Resolution Officer