

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent and a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended by conference call and gave undisputed affirmed testimony.

The Tenant did not attend.

At the beginning of the hearing the Landlord indicated that the Tenant has vacated the rental unit within the last few days of the month of November 2010. The Landlord has indicated that an order of possession is no longer being sought as he has regained possession.

Issues(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent and to keep all of the security deposit?

Background and Evidence

The Landlord has stated that the Tenant was served with a 10 day notice to end tenancy on November 19, 2010 by having it posted on the rental unit door. The Landlord states that the Tenant is in arrears for \$1,750.00 in unpaid November 2010 rent, \$20.00 for a November late fee. The notice indicates a move out date of November 29, 2010. The Landlord served the hearing documents by registered mail on December 6, 2010. The Landlord has indicated that the Tenant has vacated the rental unit and has not provided a forwarding address.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for non-payment of rent. The Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

As for the monetary order, I find that the Landlord has established a claim for \$1,750.00 in unpaid rent and a \$20.00 late rent fee. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$875.00 deposit and the \$15.13 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$929.87. 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 \$929.87.

The Landlord may retain the security deposit and the accrued interest.

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 20, 2010.

Dispute Resolution Officer