



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, MND, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for rent, cost of repairs and cleaning and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice of hearing was served on the tenant in person on December 18, 2010. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out without informing the landlord. The landlord found the unit abandoned on January 05, 2011. Since the tenant has moved out, the landlord withdrew his application for an order of possession. The landlord also stated that he has a claim for cleaning and repairs but was unable to file evidence for his claim as he is in the process of cleaning and repairing the unit. Accordingly, at the landlord's request, his claim for damages against the security deposit is dismissed with leave to reapply. Therefore, this hearing only dealt with the landlord's monetary claim for rent, and the filing fee.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover rent and the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on February 01, 2010. The monthly rent was \$750.00 payable in advance on the first of each month. Prior to moving in, the tenant paid a security deposit in the amount of \$375.00.



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The tenant failed to pay rent for December 2010 and on December 02, 2010; the landlord served a ten day notice to end tenancy for unpaid rent. The tenant moved out sometime prior to January 05, 2011, without paying rent. The landlord is claiming rent for December 2010 and January 2011 for a total of \$1,500.00.

## **Analysis**

In the absence of evidence to the contrary, I find that the tenant owes \$1,500.00 for rent for the months of December 2010 and January 2011. The landlord has proven his case and is therefore also entitled to the recovery of the filing fee in the amount of \$50.00.

The landlord has established a total claim of \$1,550.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

## **Conclusion**

I grant the landlord a monetary order for **\$1,550.00**

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: January 11, 2011.

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Residential Tenancy Branch