



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MND, MNR, MNSD, FF

Introduction

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

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

The landlord testified that as the tenant did not vacate the rental unit until the end of October 2010 he served her with notice of this hearing at the rental unit on September 16, 2010 via registered mail. The landlord provided confirmation of this registered mail. I find the tenant has been sufficiently served with notice of this hearing.

The landlord acknowledged that he is not, at this time, seeking compensation for damage to the rental unit. I therefore amend the landlord's application to exclude this matter.

Issue(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 *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted a copy of a tenancy agreement signed by the parties on December 2, 2009 for a 1 year fixed term tenancy beginning on January 1, 2010 for a monthly rent of \$2,000.00 per month and a security deposit of \$1,000.00 was paid.

The landlord provided testimony and documentary evidence showing the tenant failed to pay rent for the months of May 2010 to October 2010 inclusive. Despite the tenant remaining in the rental unit until the end of October 2010 the landlord acknowledges that he is not seeking rent for that month.

Analysis

I accept that the tenant failed to pay rent for the months outlined by the landlord. I also accept that the landlord made all reasonable attempts to collect the rent from the tenant and in the absence of any evidence or testimony from the tenant I find the landlord has established that the tenant has failed to pay rent for the period from May 2010 to September 2010 inclusive.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$10,100.00** comprised of \$10,000.00 rent owed and the \$100.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$1,000.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$9,100.00**. 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: January 17, 2011.

Residential Tenancy Branch