



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The landlord also requested authorization to retain the security deposit and recover the filing fee paid for this application. The tenant did not appear at the hearing. The witness testified that he served the tenant with the hearing package in person, at the rental unit, on January 7, 2011. Having been satisfied the tenant was sufficiently served with notification of this proceeding, I heard from the landlord without the tenant present.

At the commencement of the hearing the landlord testified that the tenant vacated the rental unit on January 17, 2011. I determined an Order of Possession is no longer required and I do not provide one with this decision.

### Issue(s) to be Decided

Has the landlord established an entitlement to compensation for unpaid rent?

Is the landlord authorized to retain the tenant's security deposit?

### Background and Evidence

The landlord provided undisputed evidence as follows. The tenancy commenced September 1, 2010 and the tenant paid a \$1,100.00 security deposit. The tenant is required to pay rent of \$2,200.00 on the 1<sup>st</sup> day of every month. The tenant paid \$4,000.00 of rent to the landlord since the tenancy commenced. The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) and the witness personally served the Notice upon the tenant on December 7, 2010. The Notice indicates that \$4,600.00 was outstanding as of November 1, 2010 and has an effective date of December 18, 2010. The tenant vacated the rental unit on January 17, 2011.

In making this application, the landlord is seeking to recover \$6,600.00 from the tenant for three months of unpaid rent.

### Analysis

Upon consideration of the evidence before me, I am satisfied the landlord is entitled to recover unpaid rent and loss of rent from the tenant for the months of November 2010, December 2010 and January 2011 in the amount of \$6,600.00. Therefore, I grant the landlord's request for compensation in the amount of \$6,600.00.

I authorize the landlord to retain the tenant's security deposit in partial satisfaction of the unpaid rent and I award the filing fee to the landlord. Accordingly, the landlord is provided with a Monetary Order in the amount of \$5,600.00 [\$6,600.00 - \$1,100.00 security deposit + \$100.00 filing fee] to serve upon the tenant. The Monetary Order may be enforced in Provincial Court (Small Claims) as an Order of the court.

### Conclusion

The tenant has vacated and an Order of Possession is not provided with this decision. The landlord has been authorized to retain the tenant's security deposit and has been provided a Monetary Order for the balance of \$5,600.00 to serve upon the tenant.

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 21, 2011.

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Residential Tenancy Branch