

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

The landlord's agent testified that the tenant vacated the rental unit in 2010 without giving the landlord proper notice. The tenant gave the landlord notice on July 18, 2010 to vacate the rental unit on September 30, 2010 however the tenant vacated on August 31, 2010. The landlord's agent stated that the rental unit was not re-rented until mid October 2010 and the landlord is seeking one month's rent as compensation.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for unpaid rent.

I find that the landlord has established a claim for \$1350.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$1350.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$462.75 security deposit in partial

satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$937.25** ( $\$1350.00 + \$50.00 = \$1400.00 - \$462.75 = \$937.25$ )

A monetary order in the amount of **\$937.25** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: February 28, 2011

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Residential Tenancy Branch