

DECISION

Dispute Codes OPR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession 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 tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing documents. I found that the tenant 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.

Issues to be Decided

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

Summary of Background and Evidence

This tenancy started November 1, 2010 with monthly rent of \$1182.00, the tenant paid a security deposit of \$525.00. On January 7, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant currently owes the landlord unpaid rent for January 2011 and February 2011 for a total of \$2364.00 in unpaid rent. The landlord stated that the tenant vacated the rental unit on February 6, 2011. As the landlord no longer requires an order of possession this portion of the landlord's application is hereby dismissed.

The landlord is seeking a monetary order for \$2364.00 in unpaid rent.

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 \$2364.00 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 \$2364.00 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 \$525.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$1889.00** ($\$2364.00 + \$50.00 = \$2414.00 - \$525.00 = \1889.00)

A monetary order in the amount of **\$1889.00** 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 10, 2011

Residential Tenancy Branch