

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

As the tenant has now vacated the unit, the landlord withdrew the aspect of his original application concerning an order of possession.

Issues to be decided

- Whether the landlord is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on August 1, 2005. Rent was due and payable in advance on the first day of each month and, at the time when tenancy ended, monthly rent was \$1,100.00. A security deposit of \$550.00 was collected at the outset of tenancy.

Following the landlord's issuance of a 10 day notice to end tenancy for unpaid rent in early January 2011, the tenant vacated the unit on or about January 17, 2011. The tenant does not dispute the landlord's claim that rent remains unpaid for December 2010 and January 2011 in the total amount of \$2,200.00 (2 x \$1,100.00). The tenant informed the landlord that he will undertake to pay the overdue rent at such time as he regains the ability to do so.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the landlord has established a claim of \$2,250.00. This is comprised of \$2,200.00 in unpaid rent combined for December 2010 and January 2011, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$550.00, plus interest of \$19.50 (total: \$569.50), and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,680.50 (\$2,250.00 - \$569.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,680.50**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court 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*.

DATE: February 1, 2011

Dispute Resolution Officer