

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security - Section 38
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord advised that the tenant had recently vacated.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 02, 2009. Rent in the amount of \$825 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$450. The tenant failed to

pay rent in the month(s) of January and February in the total of \$890, and on February 06, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The quantum of the landlord's monetary claim is for the rental arrears of **\$890**.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and has vacated the rental unit.

I find that the landlord has established a monetary claim for **\$890** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$940**. The security deposit will be off-set from the award made herein. *Calculation for Monetary Order:*

Rental arrears	890.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-450.00
Total Monetary Award	490.00

Conclusion

I order that the landlord retain the **deposit** of \$450 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$490**. If necessary, this order may be 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*.
