



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent and to keep the security deposit; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenants by way of registered mail sent on February 23rd, 2011. The tenant did not participate and the hearing proceeded in the tenant's absence.

At the outset, the landlord stated that the tenant moved out of the rental unit some time after receiving the 10 Day Notice to End Tenancy. Therefore the landlord's application for an Order of Possession is dismissed.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a 2 bedroom apartment in a multi unit complex. Pursuant to a written agreement, the fixed term tenancy started on November 1st, 2010, ending on April 30th, 2011 at a rate of \$1275.00 payable on the first of each month. The tenant paid a security deposit in the amount of \$637.00.

The landlord testified that the tenant did not pay rent for February 2011 and served the tenant with a 10 Day Notice to End Tenancy effective February 13th, 2011. The landlord stated that her agent spoke with the tenant on March 8th, 2011, and indicated that the tenant had said that there was nothing to dispute and that he was not concerned about not attending the hearing.

The landlord provided an updated claim as follows:

- | | |
|----------------------------------|-----------|
| - Unpaid rent for February 2010: | \$1275.00 |
| - Late fee: | \$ 25.00 |
| - Unpaid rent for March 2010; | \$1275.00 |
| - Late fee: | \$ 25.00 |
| - Filing fee: | \$ 50.00 |
| - Total: | \$2650.00 |

Analysis

I accept the landlord's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. Based on her oral submissions, I am satisfied that the tenant was aware of the date scheduled for this hearing.

The landlord bears the burden to prove the grounds for the monetary claim. On the preponderance of the evidence, I find that the landlord is entitled to a monetary order for the loss of two months' rent as claimed.

Conclusion

I authorize the landlord to keep the tenant's \$637.00 security deposit. Pursuant to Section 67 of the Act, I grant the landlord a monetary order for the balance of \$2013.00.

This Order may be registered 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*.

Dated: March 09, 2011.

Residential Tenancy Branch