



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, MNSD

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on February 17, 2011. 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.

### Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

The landlord gave affirmed evidence. The tenancy began on or about July 1, 2010. Rent in the amount of \$1100.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$550.00. The tenant failed to pay rent in the month of February 2011. The tenant moved out of the unit on February 28, 2011 without giving proper notice. The landlord also testified that the tenant was also responsible for \$50.00 in late fees for late rent payments.

Analysis

I accept the landlord's undisputed testimony. The tenant did not pay the outstanding rent and did not apply for dispute resolution and is therefore conclusively presumed to have accepted that the tenancy ended.

As for the monetary order, I find that the landlord has established a claim for \$1150.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$550.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$650.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$650.00. The landlord may retain the security deposit.

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: April 28, 2011.

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Residential Tenancy Branch