



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit.

The landlord served the notice of hearing by registered mail to the address provided by the tenant. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and for the filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The landlord testified that the tenancy started on October 01, 2009 for a fixed term of two years. The rent was \$1,300.00 due on the first of each month. Prior to moving in, the tenant paid a security deposit of \$650.00.

Sometime in the first week of February 2011, the tenant moved out without informing the landlord and without paying rent for February. On March 16, 2011 the tenant provided the landlord with her forwarding address.

The landlord re-rented the unit for April 01. The landlord has applied for a monetary order in the amount of \$1,300.00 to cover rent for February plus \$50.00 for the filing fee.

Analysis

Section 45 of the *Residential Tenancy Act* states that a tenant may end a tenancy by giving the landlord notice to end the tenancy effective on a date that is not earlier than one month after the date the landlord receives the notice and is the day before the day in the month that rent is payable.

In this case the tenant moved out during the first week of February, 2011, without giving the landlord any notice to end the tenancy, nor did she pay rent for February. In absence of evidence to the contrary, I find that the tenant owes the landlord \$1,300.00 for rent for February.

Since the landlord has proven his claim, I find that he is also entitled to the recovery of the filing fee.

Overall, the landlord has established a claim for \$1,350.00. I order that the landlord retain the security deposit of \$650.00 and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$700.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$700.00**.

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: July 07, 2011.

Residential Tenancy Branch