



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, MNSD, MNR, 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 for the recovery of the filing fee. The landlord also applied to retain the security deposit.

The landlord testified that he served the tenant with the notice of hearing in person on November 13, 2011. 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.

During the hearing, the landlord withdrew his application to retain the security deposit in partial satisfaction of his claim, with a request to allow him leave to reapply. Since the tenancy has not ended and at the landlord's request, I dismiss the landlord's application to retain the security deposit, with leave to reapply.

Issues to be decided

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

Background and Evidence

The landlord testified that the tenancy started on May 01, 2009. The monthly rent is \$1,250.00 payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$600.00

The landlord stated that the tenant failed to pay rent for October and on October 21, 2011 the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice nor did he apply to cancel the notice to end tenancy.

At the time of the hearing, the tenant was still in possession of the rental unit and owed the landlord rent for October and November. The landlord has applied for a monetary order for unpaid rent for two months in the amount of \$2,600.00 and for the filing fee of \$50.00.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I find that the tenant did not pay rent for October and November 2011. Therefore, I find that the landlord is entitled to rent for these months in the total amount of \$2,600.00.

Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$50.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$2,650.00. 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 of **\$2,650.00**.

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: November 28, 2011.

Residential Tenancy Branch