Dispute Resolution Services

DECISION

Dispute Codes: 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 deposit - 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.

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 November 01, 2012 and ended at the end of July 2013. Rent in the amount of $1300.00 was 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 $650.00. The tenant failed to pay rent in the months of April and May 2013 in the sum of $2070 and on May 30, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of June and July 2013. The quantum of the landlord's monetary claim is for all rent arrears in the sum of $4670.00.

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 since vacated.

I find that the landlord has established a monetary claim for $4670.00 in unpaid rent. The landlord is also entitled to recovery of the $50 filing fee, for a total entitlement of **$4720.00.** The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears to May 30, 2013	$2070.00
Rental arrears for June and July 2013	$2600.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and applicable interest *to date*	-650.00
Total Monetary Award	**$4070.00**

Conclusion

I Order that the landlord retain the deposit of $650.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **$4070.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: October 07, 2013

_____
Residential Tenancy Branch