



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served by posting on August 4, 2008. The landlord also sought a Monetary Order for the unpaid rent and filing fee and authorization to retain the security deposit in set off against the balance. As the tenant vacated some time in August, the landlord withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing sent by registered mail on August 19, 2008, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and filing fee and authorization to retain the security deposit.

Background and Evidence

This tenancy began May 1, 2004. Rent was \$710 per month and the landlord holds a security deposit of \$342 paid on May 1, 2004.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served when the tenant failed to pay the rent for August, 2008. The tenant vacated some time in mid-August without notice.

Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice. If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant did not pay the rent and vacated.

Therefore, I find that the landlord is entitled to a Monetary Order for the unpaid rent and filing fee for this proceeding and authorization to retain the security deposit in set off as follows:

August rent	710.00
Filing fee	<u>50.00</u>
Sub total	760.00
Less retained security deposit	- 342.00
Less interest (May 1, 2004 to date)	- 10.53
TOTAL	<u>\$407.47</u>

Conclusion

Thus, the landlord's copy of this decision is accompanied by a Monetary Order for \$407.47 for service on the tenant. The Monetary Order is enforceable through the Provincial Court of British Columbia.

September 12, 2008
