



# **Dispute Resolution Services**

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

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD and FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by posting on January 7, 2009. The landlord also sought a Monetary Order for the unpaid rent and loss of rent and the filing fee for this proceeding, and authorization to retain the security and pet damage deposits in set off against the balance owed.

At the commencement of the hearing, the landlord advised that the tenants had vacated without notice and he had found the rental unit vacant on February 9, 2009. Therefore, he withdrew his request for an Order of Possession.

Despite being served with the Notice of Hearing sent by registered mail on January 20, 2009, 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/loss of rent and filing fee and authorization to retain the security and pet damage deposits.

## Background and Evidence

This tenancy began October 5, 2008. Rent was \$750 per month and the landlord holds a security deposit of \$375 paid on October 5, 2008 and only \$50 of the requested pet damage deposit on or about November 5, 2008.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served when the tenant had not paid the rent for January 2009. The notice set an end of tenancy date of January 20, 2009.

The landlord gave further evidence that he had advertised immediately and had found new tenants who moved in for February 18, 2009 and who he charged prorated rent of \$297 for the balance of the month. The landlord stated that he had been left with a substantial amount of dog droppings to clean up.

## Analysis

I find that the landlord is entitled to a Monetary Order for the unpaid rent and loss of rent, recovery of the filing fee for his proceeding and authorization to retain the security and pet damage deposits in set off against the balance owed as follows:

January rent	\$750.00
February rent/loss of rent to February 18, 2009 ( $\$750 - \$297 = \$453.00$ )	453.00
Filing fee	<u>50.00</u>
Sub total	\$1,253.00
Less retained security deposit and pet damage deposits)	- 425.00
Less interest ( \$375 from Oct. 5, 2008 and \$50 from Nov 5, 2008 to date)	- <u>1.47</u>
<b>TOTAL</b>	<b>\$ 826.53</b>

**Conclusion**

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$826.53.

February 25, 2009

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Dispute Resolution Officer