



# Dispute Resolution Services

Residential Tenancy Branch  
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 on February 9, 2009. The landlord also sought a Monetary Order for the unpaid rent and filing fee for this proceeding and authorization to retain the security deposit in set off against the balance.

Despite being served with the Notice of Hearing on February 16, 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.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit on February 28, 2009 and withdrew the request for an Order of Possession.

### **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 in set off.

## Background and Evidence

This tenancy began on or about October 1, 2007. Rent was \$525 per month and the landlord holds a security deposit of \$250 paid on or about October 1, 2007.

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. In the interim, the tenant did not pay the rent for February.

## Analysis

Therefore, the landlord requested, and I find she 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:

January rent	\$ 525.00
February rent	525.00
Filing fee	<u>50.00</u>
Sub total	\$1,100.00
Less retained security deposit	- 250.00
Less interest (Oct. 1, 2007 to date)	- 4.72
<b>TOTAL</b>	<b>\$845.28</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 \$845.28 for service on the tenant.

March 31, 2009.

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Dispute Resolution Officer