



Dispute Resolution Services

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

DECISION

Dispute Codes: MNSD, OPC, OPR, MNR, MNDC, 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 September 2, 2008 and a Notice to End Tenancy for cause served on August 25, 2008. The landlord also sought a Monetary Order for unpaid rent, elevator reservation fees and filing fee, and authorization to retain the security deposit in set off against the balance owed.

As the tenant had vacated the rental unit on September 20, 2008, the landlord withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing served in person on September 18, 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 and whether the security deposit may be retained in set off against the balance owed.

Background and Evidence

This tenancy began May 1, 2008. Rent was \$1,700 per month and the landlord holds a security deposit of \$850 paid on April 28, 2008.

During the hearing, the landlord gave evidence that the Notice to End of September 2, 2008 had been served when the tenant did not pay the September rent which remained unpaid at the time of the hearing.

The landlord stated that the tenant had said he was moving on a couple of occasions in September but had missed the dates. As a result, the landlord claims two elevator reservation fees imposed by the strata corporation. The first was for September 17th when the week day charge is \$100 and the other for September 20th when the weekend charge is \$150.

The landlord also claims \$1,700 for the unpaid September rent.

Analysis

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

September rent	\$1,700.00
Elevator reservation for September 17, 2008	100.00
Elevator reservation for September 20, 2008	150.00
Filing fee	50.00
Sub total	\$2,000.00
Less retained security deposit	- 850.00
Less interest (April 28, 2008 to date)	- 5.40
TOTAL	\$1,144.60

Conclusion

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, in the amount of \$1,144.60 for service on the tenant.

September 29, 2008
