



# 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 Notice to End Tenancy for unpaid rent served December 3, 2008. The landlord also sought a Monetary Order for the unpaid rent, late fee, and filing fee for this proceeding and authorization to retain the security and pet damage deposits in set off against the balance owed.

Despite being served with the Notice of Hearing, 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.

As this tenancy was the subject of a hearing on January 7, 2009 on the tenant's application at which he did not appear, and as the Dispute Resolution Officer issued the landlord with an Order of Possession under section 55(1) of the *Act*, the landlord withdrew the request for an Order of Possession in the present hearing.

### **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 related fees and authorization to retain the deposits in set off.

## Background and Evidence

This tenancy began November 1, 2008. Rent is \$750 per month and the landlord holds a security deposit of \$375 and a pet damage deposit of \$200.

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 December 2008 and the tenant's cheque was returned NSF.

In the interim, the tenant has not paid the January rent and has not as yet moved as required by the Order of Possession.

## Analysis

Accordingly, the landlord seeks, and I find she is entitled to, a Monetary Order for the unpaid rent, NSF fee, late fees and filing fee for this proceeding, and authorization, pursuant to section 72(2)(b) of the *Act*, to retain the security and pet damage deposits as follows:

December rent plus \$20 late fee	\$ 770.00
December NSF fee	25.00
January rent plus \$20 late fee	770.00
Filing fee	50.00
Sub total	\$1,615.00
Less retained security deposit	- 375.00
Less pet damage deposit	- 200.00
Less interest on deposits (November 1, 2008 to date)	- 1.44
<b>TOTAL</b>	<b>\$1,038.56</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 \$1,038.56 for service on the tenant.

January 22, 2009

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Dispute Resolution Officer