



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 on January 2, 2009. The landlord also sought a Monetary Order for unpaid rent and filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

At the commencement of the hearing, landlord advised that the tenant had moved out on January 23, 2009 and withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing served in person on January 13, 2009, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issue(s) to be Decided

This application requires a decision on whether the landlord has 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 August 1, 2007. Rent is \$580 per month and the landlord holds a security deposit of \$290 paid on July 29, 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 December 2008 and January 2009.

The landlord also asked to add loss of rent for February and some damage to the rental unit. I denied the former on the grounds that the landlord has not provided evidence of efforts to find a new tenant for February and it is not yet known when a new tenant will be found. I denied the latter on the grounds that the landlord has provided no evidence of the damage or the costs of repair.

Analysis

In the absence of any evidence to the contrary, I find that the tenant owes the rent for December and January, that the landlord should recover the filing fee for this proceeding, and that the landlord may retain the security deposit as resulting in a Monetary Order calculated as follows:

December 2008 rent	\$580.00
January 2009 rent	580.00
Filing fee	50.00
Sub total	\$1,210.00
Less retained security deposit	- 290.00
Less interest (July 27, 2007 to date)	- 6.24
TOTAL	\$913.76

Conclusion

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$913.76.

The landlord remains at liberty to make further application for the cost of damages incurred at the end of the tenancy.

February 11, 2009.

Dispute Resolution Officer