



# **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 posted on January 7, 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 owed.

At the commencement of the hearing, the landlord gave evidence that the tenants had vacated on or before January 31, 2009 and withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing posted on January 17, 2007, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

### **Issue(s) to be Decided**

This application requires a decision on whether the landlord is entitled to a Monetary Order, the amount, and whether the landlord may retain the security deposit in set off.

## Background and Evidence

This tenancy began under a previous owner June 1, 2008 and the present landlord took possession on August 1, 2008. Rent is \$1,200 per month and the landlord holds a security deposit of \$600 paid on June 1, 2008..

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served when the tenants had a rent shortfall of \$700 for December and paid no rent for January 2009. The tenants left no forwarding address.

The landlord also said that, as the rental unit had been left needing repairs and the necessary trades had not been available, she had not yet obtained new tenants. As loss of rent and damages had not yet been determined, the landlord remains at liberty to file for those when the costs have been ascertained.

## Analysis

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

December rent shortfall	\$ 700.00
January rent	1,200.00
Filing fee	50.00
Sub total	\$1,950.00
Less retained security deposit	- 600.00
Less interest (June 1, 2008 to date)	- 5.26
<b>TOTAL</b>	<b>\$1,374.44</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 \$1,374.44.

February 13, 2009

---

Dispute Resolution Officer