



# 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 by posting on January 13, 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 tenant had moved out of the rental unit on February 25, 2009 without providing a forwarding address. Therefore, the landlord withdrew the request for an Order of Possession.

Despite being served with the Notice of Hearing sent by registered mail on January 23, 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 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 March 31, 2008. Rent was \$1,150 per month and the landlord holds a security deposit of \$575 paid on or about March 31, 2008.

During the hearing, the landlord gave evidence that his company had taken over as property manager of the rental unit in January 2009. Notice to End Tenancy was served as the tenant had not paid the rent for October and November of 2008, or January of 2009. In the interim, the tenant failed to pay the rent for February 2009.

## 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:

Rent for October 2008	\$1,150.00
Rent for November 2009	1,150.00
Rent for January 2009	1,150.00
Rent for February 2009	1,150.00
Filing fee	<u>50.00</u>
Sub total	\$4,650.00
Less retained security deposit	- 575.00
Less interest (March 31, 2008 to date)	- 6.50
<b>TOTAL</b>	<b>\$4,068.50</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 \$4,068.50.

March 6, 2009

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Dispute Resolution Officer