



Dispute Resolution Services

Residential Tenancy Branch
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 in person on February 2, 2009. 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 deposit in set off against the balance owed..

Despite being served with the Notice of Hearing in person on or about February 12, 2009, 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.

This matter was originally scheduled to be dealt with as a direct request without hearing on February 19, 2009, but was adjourned to the present hearing as the landlord had not provided sufficient proof of service of the Notice to End Tenancy.

At the commencement of the hearing, the landlord advised that the tenants had moved out of the rental unit on February 26, 2009 and that he no longer required an Order of Possession.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent, late fee and filing fee for this proceeding, and authorization to retain the security deposit..

Background and Evidence

This tenancy began December 1, 2008. Rent was \$680 per month and the landlord holds a security deposit of \$340 paid on December 1, 2008.

During the hearing, the landlord gave evidence that the notice to end tenancy had been served when the tenants failed to pay the rent for February 2009 and it remained unpaid at the time of the hearing.

Analysis

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

February rent	\$680.00
Late fee	25.00
Filing fee	50.00
Sub total	\$755.00
Less retained security deposit	- 340.00
Less interest (Dec 1/08 to date)	- .43
TOTAL	\$414.57

Conclusion

Thus, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$414.57 for service on the tenants.

March 19, 2009.

Dispute Resolution Officer