



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: 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 in person on February 9, 2009. The landlord also sought a Monetary Order the unpaid rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off.

At the commencement of the hearing, the landlord advised that the tenant had moved and withdrew the request for an Order of Possession. The landlord also advised that the tenant had paid the claimed January rent and amended his application to request rent for February only.

Despite being served with the Notice of Hearing on February 21, 2009, 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.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and recovery of the filing fee, and authorization to retain the security deposit.

Background and Evidence

This tenancy began January 15, 2006. Rent was \$650 per month and the landlord holds a security deposit of \$300 paid on January 6, 2006.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served when the tenant had not paid rent for January or February of 2009. Although the tenant subsequently paid the rent for January, the February rent remains outstanding.

The landlord stated that some of the tenant's belongings remained in the rental unit on February 21, 2009 but that he had vacated shortly after.

Analysis

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

February rent	\$650.00
Filing fee	50.00
Sub total	\$700.00
Less retained security deposit	- 300.00
Less interest (January 6, 2006 to date)	- 10.59
TOTAL	\$389.41

Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for **\$389.41** for service on the tenant.

April 3, 2009.

Dispute Resolution Officer