



# 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 a Monetary Order for unpaid rent after the tenant left the tenancy without notice having received a Notice to End Tenancy for unpaid rent served on February 3, 2009. In addition, I exercised my discretion under section 4(3)(c) of the *Act* to permit the landlord to amend his application to include recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off, items inadvertently left of the corrected versions of the application.

### **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. In set off.

### **Background and Evidence**

This tenancy began October 15, 2008 under a fixed term agreement set to end on October 31, 2009. Rent was \$1,300 per month and the landlord holds a security deposit of \$650 paid on paid on October 31, 2008.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served on February 3, 2009 when the tenant had not paid rent for that month. The tenant honored the notice by vacating the rental unit on February 13, 2009 although the landlord did not become aware of that fact until February 19, 2009 and the rent remains unpaid.

The landlord did not find a new tenant until mid-March, but has not asked for half of the March rent, late fee for February or cleaning costs.

### Analysis

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

February rent	\$1,300.00
Filing fee	50.00
Sub total	\$1,350.00
Less retained security deposit	- 650.00
Less interest (October 3, 2008 to date)	- 2.40
<b>TOTAL</b>	<b>\$ 697.60</b>

### Conclusion

The landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for **\$697.60** for service on the tenant.

April 14, 2009.

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Dispute Resolution Officer