

## **DECISION**

**Dispute Codes:** MNR, MNSD and FF

### **Introduction**

This application was brought by landlord seeking a Monetary Order for unpaid rent for the last month of the tenancy and recovery of the filing fee for his proceeding, and authorization to retain the security deposit in set off against the balance owed.

Despite having been served with the Notice of Hearing sent by registered mail sent on July 17, 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 application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent and filing fee and authorization to retain the security deposit in set off.

## Background and Evidence

This tenancy began on November 13, 2008. The tenant gave written notice on June 30, 2009 that he would be leaving on July 31, 2009; however, he moved on July 1<sup>st</sup> and did not pay the rent for July 2009. Rent was \$700 per month and the landlord holds a security deposit of \$350 paid on or about November 13, 2009.

Accordingly, the landlord seeks an order for the rent for July 2009.

## Analysis

Section 45 of the *Act* which deals with a tenant's notice to end tenancy, provides that the tenant must give at least one full month's notice following the next rent due date following the notice. Therefore, July 31, 2009 must be taken as the end of tenancy date.

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 in set off as follows:

July 2009 rent	\$700.00
Filing fee	<u>50.00</u>
Sub total	\$750.00
Less retained security deposit	- 350.00
Less interest (November 13, 2008 to date)	<u>0.70</u>
<b>TOTAL</b>	<b>\$399.30</b>

## Conclusion

Thus, in addition to the authorization to retain the security deposit and interest in set off, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$399.30 for service on the tenant.