

REVIEW HEARING DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD and FF

Introduction

This Review Hearing was granted on October 1, 2009 on the tenant's application following a Direct Request Proceeding on September 25, 2009 in which the Dispute Resolution Officer granted the landlord an Order of Possession and Monetary Order pursuant to a Notice to End Tenancy for unpaid rent.

Despite having made application for this review hearing, 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.

At the commencement of the hearing, the landlord gave evidence that the tenant had vacated the rental unit on October 16, 2009 without having given notice or without having provided a forwarding address. Therefore, she withdrew the request for an Order of Possession.

In addition, the landlord requested, and I have exercised my discretion under section 64(3)(c) of the *Act* to amend the landlord's application to request rent for October 2009.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order for the unpaid rent/loss of rent and recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off.

Background and Evidence

This tenancy began on July 1, 2008. Rent was \$850 per month and the landlord holds a security deposit of \$425 paid on June 30, 2008.

During the hearing, the landlord clarified a question arising from her original application in which she claimed unpaid rent for September. In her application for the Review Hearing, the tenant had provided receipts showing that the September rent had been paid in two installments on 1st and 8th of September.

By way of clarification, the landlord noted that the unpaid rent claim was based on an accumulated arrears consisting of \$50 shortfall plus \$25 late fee from April 2009, late fee of \$25 from May 2009, and a rent shortfall of \$250 from July of \$250.

In addition, the landlord gave evidence that when the tenant vacated on October 16, 2009 without giving notice or a forwarding address, she had also failed to pay the rent for October.

Analysis

I find that the landlord is entitled to a Monetary Order for the accumulated arrears that led to the Notice to End Tenancy and the rent/loss of rent for October

I further find that the landlord is entitled to recover the filing fee for her original application and authorization to retain the security deposit in set off, resulting in a Monetary Order calculated as follows:

October rent/loss of rent	\$ 850.00
April rent shortfall of \$50 plus \$25 late fee	75.00
May late fee	25.00
July rent shortfall	250.00
Filing fee	50.00
Sub total	\$1,250.00
Less retained security deposit	- 425.00
Less interest (June 30, 2008 to date)	- 3.22
TOTAL	\$ 821.78

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 \$821.78 for service on the tenant. This replaces the Monetary Order issued on September 25, 2009 under the same file number which is no longer of force or effect.