

DECISION

Dispute Codes: MNR, MND, MNSD and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for cause, repeated late payment of rent, served on October 31, 2009 in person. The landlord also sought a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

As the commencement of the hearing, the landlord advised that the tenant had moved and withdrew his request for an Order of Possession.

Despite having been served with the Notice of Hearing in person on November 25, 2009, 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.

Issues 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 29, 2008 and ended on or about January 2, 2009 when the tenant left without having given note and without providing a forwarding address. Rent was \$1,400 per month and the landlord holds a security deposit of \$700 paid on November 28, 2008.

During the hearing, the landlord gave evidence of a number of occasions on which the tenant had been late paying rent including that for July 2009 which was paid in August with only part of the August rent.

The landlord gave evidence that the tenant currently had rent shortfalls for August of \$450 and for September of \$400, and had paid no rent for October, November and December of 2009.

Analysis

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

August rent shortfall	\$450.00
September rent shortfall	400.00
October rent	1,400.00
November rent ¹	1,400.00
December rent	1,400.00
Filing fee	50.00
Sub total	\$5,100.00
Less retained security deposit	- 700.00
Less interest (Nov. 28, 2008 to date)	- 0.98
TOTAL	\$4,399.02

Conclusion

In addition to authorization to retain the tenants' security deposit with interest in set off, the landlord's copy of this decision is accompanied by a Monetary Order for **\$4,399.02** enforceable through the Provincial Court of British Columbia, for service on the tenant.

January 4, 2010.