

DECISION

Dispute Codes: OPR, MNR, MNSD and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on January 7, 2010. 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.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit on February 17, 2010 and she withdrew the request for an Order of Possession.

Despite having been served with the Notice of Hearing in person and sent by registered mail on January 21, 2010, 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.

Issues to be Decided

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

Background and Evidence

This tenancy began on November 1, 2009. Rent was \$840 per month, including parking, and the landlord holds a security deposit of \$415, paid on October 8, 2009.

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served when the tenant had not paid the \$840 for the rent for January 2010. In the interim, the tenant did not pay the rent for February 2010, and the landlord seeks payment for both months.

Analysis

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

January 2010 rent	\$ 840.00
February 2010 rent	840.00
Filing fee	<u>50.00</u>
Sub total	\$1,730.00
Less retained security deposit (no interest due)	- 415.00
TOTAL	\$1,315.00

Conclusion

In addition to authorization to retain the security deposit in set off, the landlord is also issued with a Monetary for \$1,315.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

February 19, 2010