

DECISION

Dispute Codes: MNR, MND 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 on March 12, 2010. The landlord also sought 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 against the balance owed.

Despite having been served with the Notice of Hearing sent by registered mail on April 9, 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.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit on May 3, 2010 and withdrew the request for an Order of Possession.

Issues to be Decided

This application now 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 against the balance owed.

Background and Evidence

This tenancy began on February 1, 2007 and ended on May 3, 2010. Rent was \$805 per month and the landlord holds a security deposit of \$380 paid on or about February 1, 2007.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served on March 12, 2010 when the tenant had an accumulated rent shortfall of \$1,445. While the tenant had made partial payments lowering the shortfall for February to \$270, he had paid no rent for March or April.

The landlord also submitted an exchange of correspondence in which the tenant acknowledged the rent arrears and requested additional time to catch up and setting April 15, 2010 as the date by which the rent would be paid up or he would voluntarily move.

He vacated on May 3, 2010 without leaving a forwarding address.

Analysis

In the absence of any evidence to the contrary, I find that the tenant owes to the landlord, including recovery of the \$50 filing fee for this proceeding and authorization to retain the security deposit in set off, an amount calculated as follows:

Rent shortfall for February 2010	\$270.00
Rent for March 2010	805.00

Rent for April 2010	805.00
Filing fee	50.00
Sub total	\$1,930.00
Less retained security deposit	- 380.00
Less interest (Feb. 1, 2007 to date)	- 11.00
TOTAL	\$1,539.00

Conclusion

In addition to authorization to retain the security deposit plus interest, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$1,539.00 for service on the tenant.

May 25, 2010