

## **DECISION**

**Dispute Codes:** MNSD and FF

### **Introduction**

This application was brought by the landlord seeking authorization to retain the tenant's security and pet damage deposits in set off against a Monetary Order granted under a Direct Request proceeding on March 8, 2010. The landlord also sought to recover the filing fee for this proceeding.

Despite having been served with the Notice of Hearing sent by registered mail on March 12, 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 should be authorized to retain the security and pet damage deposits in set off against the previously awarded Monetary Order.

### **Background and Evidence**

This tenancy began on August 1, 2009 and ended on February 28, 2010 pursuant to a Notice to End Tenancy for unpaid rent.

Rent was \$1,700 per month and the landlord holds a security deposit of \$850 and a pet damage deposit of \$500 paid on or about July 4, 2009.

During the hearing, the landlord presented the results of the Direct Request proceeding held on March 8, 2010 in which she was granted an Order of Possession and a Monetary Order for \$1,750 for one month's unpaid rent plus the \$50 filing fee.

While the tenant vacated on February 28, 2010, the outstanding rent was not paid and remains unpaid.

Therefore, the landlord seeks authorization to retain the deposits in set off against the Monetary Order and to recover the filing fee for this proceeding.

## **Analysis**

Section 72(2)(b) of the Act authorizes me, as the Director's designate, to order that a landlord may retain and deduct security and pet damage deposits from an amount found owing to them by a tenant.

In this matter, I find that the tenant owes the landlord \$1,750 by virtue of the monetary order issued on March 8, 2010. I further find that the landlord is entitled to recover the filing fee for this proceeding.

Therefore, **I hereby authorize and order** that the landlord may retain the \$850 security deposit and \$500 pet damage deposit for a total of \$1,350, less the \$50 filing fee.

## **Conclusion**

The landlord is authorized to retain \$50 of the security and damage deposits in recovery of the filing fee for this proceeding and can now credit the remaining \$1,300 of the deposits against the \$1,750 Monetary Order currently held, leaving an outstanding balance of \$450.

July 6, 2010