

DECISION

Dispute Codes: MNR,MNDC, MNSD and FF

Introduction

This application was brought by the landlord seeking a Monetary Order for unpaid rent, damage or loss under the legislation or rental agreement, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against any balance found owing.

This matter was the subject of a hearing on March 15, 2010 but was dismissed with leave to reapply because of an issue with service of the Notice of Hearing.

Despite having been served with the present Notice of Hearing sent by registered mail, 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, NSF fees, filing fee and authorization to retain the security deposit.

Background and Evidence

This tenancy began on or about September 1, 2008. Rent was \$1,250 per month and the landlord holds a security deposit of \$625 paid on or about September 1, 2008.

During the hearing, the landlord gave evidence that the tenant had given notice to end tenancy on August 1, 2009 to take effect August 31, 2009. He stated that the rent cheque for August was returned NSF. When he met with the tenant on August 31, 2009 she authorized him to retain the security deposit for half of the rent owed and issued him with another cheque for the balance. That, too, was returned NSF.

Analysis

Therefore, the landlord claims and I find he is entitled to a Monetary Order for the rent for August 2009, \$25 for each of the two NSF fees, recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off, calculated as follows:

August 2009 rent	\$1,250.00
NSF fee for August 1, 2009 cheque	25.00
NSF fee for August 31, 2009 cheque	25.00
Filing fee	<u>50.00</u>
Sub total	\$1,350.00
Less retained security deposit	- 625.00
Less interest (September 1, 2008 to date)	<u>- 3.12</u>
TOTAL	\$ 721.88

Conclusion

In addition to authorization to retain the security deposit, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$721.88 for service on the tenant.

July 26, 2010