



# **Dispute Resolution Services**

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **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 served by posting on the tenant's door on December 8, 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 served on January 11, 2011, 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 or about January 20, 2011 and that the Order of Possession was no longer required.

### **Issues to be Decided**

This matter now requires a decision on whether the landlord is entitled to a Monetary Order for unpaid rent and authorization to retain the security deposit in set off.

## Background and Evidence

This tenancy began on November 15, 2010. Rent was \$900 per month and the landlord stated that the tenant had paid only \$100 of the security deposit at the beginning of the tenancy.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served on December 8, 2010 when the tenant had failed to pay the rent due on December 1, 2010.

In the interim, the December rent remained unpaid and the tenant paid no rent for January 2011 and did not vacate until approximately January 20, 2011.

## Analysis

Section 26 of the *Act* provides that a tenant must pay rent when it is due and section 67 of the *Act* authorizes the Director's designate to determine an amount owed by one party of a rental agreement to another and issue an order for payment.

In this matter, I find that the landlord is entitled to an order for the two months unpaid rent and the filing fee for this proceeding and authorization to retain the security deposit in set off, calculated as follows:

Rent for December 2010	\$ 900.00
Rent for Januar1 2011	900.00
Filing fee	50.00
Sub total	\$1,850.00
Less retained security deposit (No interest due)	- 100.00
<b>TOTAL</b>	<b>\$1,750.00</b>

**Conclusion**

In addition to authorization to retain the security deposit in set off, the landlord is also issued with a Monetary Order for \$1,750.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

January 25, 2011