

DECISION

Dispute Codes: OPR, MNR, MNSD and FF

Introduction

By application of July 22, 2011, the landlord sought an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served on July 12, 2011 by posting on the tenant's door and a Monetary Order for the unpaid rent and filing fee 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 July 27, 2011, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, hearing proceeded in her absence.

At the commencement of the hearing, the landlord advised that the tenant had vacated the rental unit on July 26, 2011 and that an Order of Possession was no longer required.

Issues to be Decided

This dispute requires a decision on whether the landlord is entitled to a Monetary Order as claimed, recovery of the filing fee and authorization to retain the security deposit in set off.

Background and Evidence

This tenancy began on June 1, 2011. Rent is \$1,125 per month including \$25 parking and the landlord holds a security deposit of \$550.

During the hearing, the landlord gave evidence that the Notice to End Tenancy of July 12, 2011 had been served after the tenant had a rent shortfall from June 2011 and had not paid the rent for July 2011.

At the time of the hearing, the tenant had paid off all but \$100 of the June rent but the July rent remained unpaid.

Analysis

Section 26 of the *Act* provides that tenants must pay rent when it is due.

In the present matter, I find that the tenant owes to the landlord \$1,225 in unpaid rent. As the application has succeeded on its merits, I find that the landlord is entitled to recover the filing fee for this proceeding from the tenant.

As authorized by section 72 of the *Act*, I hereby direct that the landlord may retain the security deposit in set off against the balance owed.

Thus, I find that the tenant owes to the landlord an amount calculated as follows:

June 2011 rent shortfall	\$ 100.00
July 2011 rent	1,125.00
Filing fee	<u>50.00</u>
Sub total	\$1,275.00
Less retain security deposit (No interest due)	<u>- 550.00</u>
TOTAL	\$ 725.00

Conclusion

In addition to authorization to retain the security deposit in set off, the landlord's copy of this decision is also accompanied by a Monetary Order for \$725.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

August 26, 2011