



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD and FF

### Introduction

This application was brought by the landlord on August 2, 2011 seeking a Monetary Order for unpaid rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit.

Despite having been served with the Notice of Hearing, sent by registered mail on August 18, 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.

As a matter of note, the landlord had originally served the Notice of Hearing on August 3, 2011 to an incorrect address provided by the tenant, and served the second time to the correct address after the first mailing was returned.

### Issue(s) to be Decided

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

### Background and Evidence

This tenancy began on January 15, 2011 under a fixed term rental agreement set to end on January 31, 2012 but concluded on or about July 26, 2011 pursuant to a Notice to End Tenancy for repeated late payment of rent.

Rent was \$950 per month and the landlord holds a security deposit of \$475 paid on January 14, 2011.

During the hearing, the landlord's agent gave evidence, supported by a copy of the tenant's ledger, that except for a payment of \$1,425 made on June 6, 2011, the tenant had paid no other rent for April, May, June or July of 2011.

### Analysis

In the absence of any evidence to the contrary, I find that the landlord is entitled to a Monetary Order for the unpaid rent as claimed. I further find that the landlord is entitled to recover the filing fee for this proceeding and authorization to retain the security deposit in set off, calculated as follows:

|                                   |                   |
|-----------------------------------|-------------------|
| April 2011 rent                   | \$ 950.00         |
| June 2011 rent                    | 950.00            |
| July 2011 rent                    | 950.00            |
| Filing fee                        | <u>50.00</u>      |
| Sub total                         | \$3,850.00        |
| Less payment made on June 6, 2011 | - 1,425.00        |
| Less retained security deposit    | - 475.00          |
| <b>TOTAL</b>                      | <b>\$1,950.00</b> |

### Conclusion

In addition to authorization to retain the tenant's security deposit in set off against the balance owed, the landlord's copy of this decision is accompanied by a Monetary Order for \$1,950.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 03, 2011.

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Residential Tenancy Branch