



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD and FF

Introduction

This application was brought by the landlord on August 8, 2012 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent on served on August 2, 2012. The landlord also sought a Monetary Order for unpaid rent and utilities, recovery of the filing fee for this proceeding and authorization to retain the security damage deposit in set off against the balance owed.

At the commencement of the hearing, the parties advised that the tenant had vacated the rental unit and the Order of Possession was no longer required.

Issue(s) to be Decided

This application now requires a decision on whether the landlord is entitled to a monetary award as requested.

Background and Evidence

This tenancy began on November 15, 2009 and ended in August 2012. Rent was \$1,950 per month and the landlord holds a security deposit of \$975.

During the hearing, the tenant concurred with the landlord's claim that the \$1,950 rent due on August 1, 2012 remains unpaid as do utility charges of \$216.67, itemized by the landlord and supported with copies of the relevant invoices.

Analysis

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

Section 7 of the *Act* provides that if either party to a rental agreement suffers damage or loss due to the non-compliance of the other with the rental agreement or legislation, then the non-compliant part must compensate the other for that loss.

Section 67 of the *Act* empowers the director's delegate to determine such an amount owing and to order payment.

Accordingly, I find that the landlord is entitled to a monetary award for the unpaid rent and utilities and recovery of the filing fee for this proceeding. As authorized under section 72 of the *Act*, I hereby order that the landlord retain the tenant's security deposit in set off against the balance owed, calculated as follows:

Rent for August 2012	\$1,950.00
Filing fee	50.00
Sub total	\$2,216.67
Less retained security deposit (No interest due)	- 950.00
TOTAL remaining for Monetary Order	\$1,266.67

Conclusion

In addition to authorization to retain the security deposit in set off, the landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for **\$1,266.67** 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: September 06, 2012.

Residential Tenancy Branch