Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR, MNR, MNDC and FF

Introduction

This hearing was convened on an application made by the landlord on June 19, 2013 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served on June 5, 2013. The landlord also sought a Monetary Order for the unpaid rent and recovery the filing fee for this proceeding.

At the commencement of the hearing, the parties advised that the tenant has vacated the rental unit and that an 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 Order as requested.

Background and Evidence

This tenancy began on February 9, 2013. Rent was $950 per month and the landlord holds a security deposit of $475 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence the Notice to End Tenancy had been served after the tenant had not paid the $950 rent due on June 1, 2013 and that the tenant had vacated on July 3, 2013.

The tenant fully concurred with the landlord's evidence and verified that she had asked the landlord to retain the security in set off against the unpaid rent.

Therefore, the landlord requested a Monetary Order for the balance of the June 2013 rent and recovery of the $50 filing fee for this proceeding.

Analysis

Section 26 of the *Act* provides that tenants must pay rent when it is due and section 67 of the *Act* authorizes the director's delegate to determine an amount owed by one party to a rental agreement by the other and to order payment of that amount.

Accordingly, and as agreed by the parties, I find that the landlord is entitled to a Monetary Order for the unpaid rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed pursuant to section 72 of the *Act.*

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

Rent for June 2013	$ 950.00
Filing fee	50.00
Sub total	$1,000.00
Less retained security deposit	- 475.00
TOTAL	**$ 525.00**

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 for **$525.00,** 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: July 23, 2013

_____
Residential Tenancy Branch