



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. At the hearing the Landlord withdrew the application for an Order of Possession, as the Tenants had vacated the rental unit prior to the hearing.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral evidence, to cross-examine the other party, and to make submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord and the Tenant agree that the Tenants were required to pay monthly rent of \$650.00; that the Tenants were served with a Notice to End Tenancy for Unpaid Rent; that the Tenants vacated the rental unit on or before September 28, 2008; that the Tenants still owe rent in the amount of \$310.00 from August of 2008, and that they still owe all of the rent from September of 2008.

The Tenant agreed to allow the Landlord to retain their security deposit to compensate him for damage done to the rental unit. The Landlord agreed that he will not seek further compensation from the Tenant for damage to the rental unit.

Analysis

Based on the statements of both parties, I find that the Tenants owe \$960.00 in outstanding rent.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenants for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,010.00, which is comprised on \$960.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$1,010.00. In the event that the Tenants do not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

I find that the Tenant has authorized the Landlord to retain the Tenants' security deposit to satisfy all other claims relating to this tenancy.

Date of Decision: October 23, 2008

