

## **DECISION**

**Dispute Codes:** OPR, MND, MNR, MNSD, FF

This hearing dealt with an application by the landlords for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on January 10 and 12, the tenants did not participate in the conference call hearing.

At the outset of the hearing, the landlords withdrew their application for an order of possession. They said that they went to check on the rental unit on January 7 and found the tenants to have moved out. The landlords also withdrew their application for a monetary order for the costs incurred in addressing the damages as they have not yet completed the cleaning and the repairs.

On February 15, 2007, the landlords collected a security deposit from the tenants in the amount of \$320.00. The tenancy began on February 1, 2007. Rent in the amount of \$750.00 is payable in advance on the fifteenth day of each month. The tenants failed to pay rent in the month of December, 2008 and on December 28, the landlords served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of January.

The landlords are seeking recovery of the unpaid rent of \$750.00 for each of the months of December and January. Based on the above, I find that the landlords have established a total claim for \$1500.00 in unpaid rent. The landlords are also entitled to recovery of the \$50.00 filing fee. I order that the landlords retain the security deposit and interest of \$329.07 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$1220.93. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 21, 2009.