



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and a Monetary Order for unpaid rent and utilities as well as to recover the filing fee for this proceeding. The Landlords also applied to keep all or part of a security deposit.

The Landlords served the Tenant in person on January 19, 2009 with a copy of the Application and Notice of Hearing. I find pursuant to s. 89 of the Act that the Tenant was properly served with the Notice of this hearing and the hearing proceeded in her absence.

Issue(s) to be Decided

1. Are there arrears of rent and utilities and if so, how much?
2. Are the Landlords entitled to keep all or part of the Tenant's security deposit?

Background and Evidence

This tenancy started on September 1, 2006 and ended on February 1, 2009 when the Tenant moved out. Pursuant to the terms of a tenancy agreement dated October 26, 2008, rent is \$1,750.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$625.00 on September 1, 2006.

The Landlords claim the Tenant is in arrears of rent for December, 2008 in the amount of \$1,395.00 and for January, 2009 in the amount of \$1,395.00. Consequently, the Landlords served the Tenant in person on January 4, 2009 with a Notice to End Tenancy for Unpaid Rent and Utilities dated January 4, 2009. The Landlords said the Tenant has not paid the arrears set out on the Notice in the amount of \$2,790.00.

Analysis

As the tenancy has ended, the Landlords abandoned their claim for an Order of Possession. I find that the Landlords have made out a claim for rent arrears in the

amount of \$2,790.00 and are also entitled to recover the \$50.00 filing fee for this proceeding. Pursuant to s. 38(4), 62(3) and 72 of the Act, I order the Landlords to keep the Tenant's security deposit plus accrued interest in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:

Rent arrears:	\$2,790.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$2,840.00
Less: Security Deposit:	(\$625.00)
Accrued Interest:	<u>(\$19.98)</u>
BALANCE OWING:	\$2,195.02

Conclusion

A Monetary Order in the amount of **\$2,195.02** has been issued to the Landlords and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be enforced in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.