



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 Landlord 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 Landlord also applied to keep all or part of a security deposit. The Landlord withdrew her application for an Order of Possession at the beginning of the hearing.

The Landlord said she served the Tenants with a copy of the application and Notice of Hearing in person on February 13, 2009. I find that the Tenants were properly served with the Landlord's hearing package pursuant to s. 89 of the Act and the hearing proceeded in their absence.

Issue(s) to be Decided

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

Background and Evidence

This tenancy started on August 9, 2008 and ended on February 28, 2009 when the Tenants moved out. Rent was \$775.00 per month payable on the 1st day of each month. The Tenants paid a security deposit of \$387.50 at the beginning of the tenancy. The Landlord said the Tenants did not pay rent for February, 2009 and that amount is still unpaid.

Analysis

I find that the Landlord has made out a claim for rent arrears in the amount of \$775.00 and is 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 Landlord to keep the Tenants' 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:	\$775.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$825.00
Less: Security Deposit:	(\$387.50)
Accrued Interest:	<u>(\$2.33)</u>
BALANCE OWING:	\$435.17

Conclusion

A Monetary Order in the amount of **\$435.17** has been issued to the Landlord and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the Order may be enforced in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.