



Dispute Resolution Services

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

Decision

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

Introduction

This matter dealt with an application by the Landlords for an Order of Possession and a Monetary Order for unpaid rent, for compensation for damages to the rental unit and to recover the filing fee for this proceeding. The Landlords also applied to keep all or part of a security deposit. The Landlords confirmed at the beginning of the hearing that the Tenant was no longer living in the rental unit and therefore they abandoned their application for an Order of Possession.

The Landlords served the Tenant in person on February 20, 2009 with a copy of the Application and Notice of Hearing. I find that the Tenant was properly served pursuant to s. 89 of the Act with notice of this hearing and the hearing proceeded in her absence.

Issue(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Are the Landlords entitled to compensation for damages and if so, how much?

Background and Evidence

This tenancy started on October 1, 2008 and ended on February 28, 2009. Rent is \$1,150.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$575.00 on September 24, 2008. The Landlords said the Tenant paid only \$885.00 for December, 2008 rent and did not pay rent for January and February, 2009.

Analysis

In the absence of any evidence from the Tenant, I find that the Landlords are entitled to recover rent arrears for December, 2008 in the amount of \$265.00 as well as rent arrears for January and February, 2009 in the amount of \$1,150.00 per month. I also find that the Landlords are entitled to recover the \$50.00 filing fee for this proceeding. I Order the Landlords pursuant to s. 38(4) of the Act to keep the Tenant's security deposit

in partial payment of the rent arrears. The Landlords will receive a monetary order for the balance owing as follows:

December 2008 rent arrears:	\$265.00
January 2009 rent arrears:	\$1,150.00
February 2009 rent arrears:	\$1,150.00
Filing fee:	<u>\$50.00</u>
Subtotal:	\$2,615.00
Less: Security deposit:	(\$575.00)
Accrued interest:	<u>(\$2.33)</u>
Balance Owing:	\$2,037.67

Conclusion

As the Landlords' application for damages to the rental unit is premature, it is dismissed with leave to re-apply. A Monetary Order in the amount of **\$2,037.67** has been issued to the Landlords and a copy of the Order must be served on the Tenant. If the amount of the Order is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.