

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

The parties gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matters

At the onset of the Hearing, the Landlord’s agent testified that the Tenants had moved out of the rental unit. The Landlord’s agent withdrew the Landlord’s application for an Order of Possession. The Landlord’s agent withdrew the Landlord’s application for loss of rent for the month of April, 2009.

Issue(s) to be Decided

This is the Landlord’s application for a Monetary Order for unpaid rent; to keep all of the security deposit; and recover the filing fee from the Tenants.

- (1) Is the Landlord entitled to a monetary order?
- (2) Is the Landlord entitled to keep all of the security deposit?
- (3) Is the Landlord entitled to recover the filing fee from the Tenants?

Background and Evidence

Facts upon which the parties agree

- The Tenants were duly served with the Notice of Hearing package, by registered mail, sent on March 21, 2009.
- The tenancy began on September 1, 2008.

- Monthly rent was \$900.00, due on the first day of each month. There was an additional parking fee of \$25.00 per month.
- The Tenancy Agreement included a provision for a late fee in the amount of \$25.00 to be levied against late payments of rent.
- The Tenants paid the Landlord a security deposit in the amount of \$450.00 and a pet deposit in the amount of \$200.00 on August 25, 2008.
- The Tenants did not pay rent for the month of March, 2009.

Analysis

The Landlord's agent has established the Landlord's monetary claim for rent arrears for March, 2009. Pursuant to Section 72 of the Act, the Landlord may apply the security deposit, together with any accrued interest thereon, towards its monetary order.

The Landlord has been successful in its application and is entitled to recover the filing fee in the amount of \$50.00 from the Tenants.

I therefore make a monetary order in favour of the Landlord, calculated as follows:

Unpaid rent for March, 2009:	\$900.00
Unpaid parking fee for March, 2009:	\$25.00
Late fee for March rent:	\$25.00
Recovery of filing fee	\$50.00
Less security deposits and accrued interest of \$3.44	<u><\$653.44></u>
TOTAL	\$346.56 =====

Conclusion

I grant the Landlord a monetary order for \$346.56 against the Tenants. This order must be served on the Tenants and may be filed in the Provincial Court of British Columbia

(Small Claims) and enforced as an order of that Court.

May 14, 2009
