



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, & FF

Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession and a monetary claim due to the tenants' failure to pay rent. Although the tenants were served with notice of this application and hearing by registered mail on June 22, 2009, they did not appear for the hearing. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after it was sent. I proceeded with the hearing in the tenants' absence.

Issues(s) to be Decided

Is the landlord entitled to a monetary claim due to the tenants' failure to pay the rent?

Background and Evidence

This tenancy began May 1, 2004 for the monthly rent of \$1,875.00 and a security deposit of \$937.50 and a pet deposit of \$250.00 on April 16, 2004. The current monthly rent is \$2,068.00.

On June 9, 2009 the tenants were served with a 10 day Notice to End Tenancy due to Unpaid Rent when it was posted to the door of the rental unit. The landlord stated the tenants vacated the rental unit as of June 30, 2009.

The landlord seeks a monetary claim for the outstanding rent owed of \$2,068.00, recovery of the \$50.00 filing fee paid for this application and a request to retain the tenants' security deposit plus interest in partial satisfaction of this claim.

Analysis

I grant the landlord's application and find that a monetary claim for the sum of \$2,118.00 has been established due to the tenants' failure to pay rent for June 2009. From this sum I Order that the landlord may retain the tenants' deposits plus interest of \$1,229.56 in partial satisfaction of this claim.



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I grant the landlord a monetary Order for the remaining balance owed of **\$888.44**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*. The landlord has been granted a monetary Order due to the tenants' failure to pay rent.

Dated: July 31, 2009.

Dispute Resolution Officer