



# 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 matter dealt with an application by the Landlords for a monetary order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenant's security deposit. The Landlords were granted an Order of Possession in proceedings in another application heard on January 13, 2010 and as a result, that part of their application is dismissed without leave to reapply.

At the beginning of the hearing, the Landlords confirmed that the Tenant's surname on the application was spelled incorrectly and as a result, the style of cause is amended to correct the spelling.

The Landlords served the Tenant with a copy of the application and notice of hearing by registered mail on December 18, 2009. According to the Canada Post online tracking system, the Tenant received a notification card on December 21, 2009, however she did not pick up the hearing package. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issues(s) to be Decided

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

### Background and Evidence

This tenancy started on October 23, 2009. The Landlords said that the Tenant occupied a one bedroom suite at that time and the rent was \$400.00 per month. The Landlords claimed that the Tenant moved into a 2 bedroom suite on November 15, 2009 for which the rent is \$800.00 per month. The Tenant paid a security deposit of \$200.00 at the beginning of the tenancy. The Landlords claim that the Tenant has not paid rent for December 2009 or January 2010.

### Analysis

In a previous decision issued on January 13, 2010, the Dispute Resolution Officer found that rent was \$400.00 per month rather than \$800.00 as alleged by the Landlords in this matter. The Landlords claimed that the previous decision was in error with respect to the amount of rent but admitted that they had not sought to have that error corrected.



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The Landlords claimed, however, that they were willing to amend their claim to recover rent of \$400.00 per month. In the absence of any evidence to the contrary from the Tenant, I find that the Landlords are entitled to recover unpaid rent for December 2009 and January 2010 in the total amount of \$800.00. 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 of \$650.00.

## Conclusion

A monetary order in the amount of **\$650.00** 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 filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

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*.

Dated: January 25, 2010.

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Dispute Resolution Officer