

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order as compensation for unpaid rent, retention of the security deposit / pet damage deposit, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlords are entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on April 15, 2008. Rent in the amount of \$950.00 was payable in advance on the first day of each month. A security deposit of \$475.00 and a pet damage deposit of \$300.00 were collected on or about April 15, 2008.

As a result of needing to attend to unexpected personal family matters, the tenant vacated the unit in December 2009 without providing notice to the landlords. Neither did the tenant pay rent for December 2009. Prior to her departure from the unit, the tenant instructed the landlords to retain the security deposit and pet damage deposit. During the hearing the tenant did not dispute that rent is still outstanding for December 2009.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant vacated the unit in December 2009 without proper notice to the landlords, and without paying any portion of rent due on December 1, 2009.

As for the monetary order, therefore, I find that the landlords have established a claim of \$1,000.00. This is comprised of \$950.00 in unpaid rent for December 2009, in addition to the \$50.00 filing fee. I order that the landlords retain the combined security deposit and pet damage deposit of \$775.00 (\$475.00 + \$300.00) plus interest of \$8.29, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$216.71 (\$1,000.00 - \$783.29).

Conclusion

I hereby order that the landlords retain the security deposit, the pet damage deposit and interest in the combined amount of **\$783.29**.

Further to the above and pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlords in the amount of **\$216.71**, and I order the tenant to FORTHWITH pay this amount to the landlords. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: April 21, 2010

Dispute Resolution Officer