

Decision

Dispute Codes: MNR, MND, MNSD, FF

Introduction

This hearing dealt with an original application by the landlords for a monetary order as compensation for unpaid rent, compensation for damage to the unit / site or property, and recovery of the filing fee.

At the outset of the hearing the landlords withdrew the aspect of their application concerning compensation for costs associated with damage to the unit / site or property.

The landlords also made a request to amend their application to include retention of the security deposit. This request was granted.

The landlords participated in the hearing and gave affirmed testimony. Despite being served in person with the application for dispute resolution and notice of hearing, the tenant did not appear.

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 May 1, 2009. Rent in the amount of \$725.00 was payable in advance on the first day of each month.

A security deposit was collected from the tenant's grandfather, who had a separate tenancy agreement for this unit which pre-dated the subject tenancy. That security deposit was carried forward to the subject tenancy. Including interest, the landlords estimated that the current value of the security deposit is likely less, and certainly not greater than \$375.00.

The landlords testified that the tenant had recurring difficulty with paying rent in full. Ultimately, by way of mutual agreement the tenancy ended effective October 31, 2009. Despite an agreement reached between the parties whereby the tenant undertook to pay the full amount of outstanding rent to the landlords after vacating the unit, payment has not been forthcoming. Accordingly, the landlords seek a monetary order.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / undisputed testimony of the landlords, I find that the landlords have established a claim for unpaid rent for 2009 as follows:

\$25.00: *June*

\$425.00: *July*

\$325.00: *August*

\$325.00: *September*

\$725.00: *October*

Sub-total: \$1,825.00

As the landlords have succeeded in their application, I find they are also entitled to recover the \$50.00 filing fee.

In sum, therefore, I find that the landlords have established a claim totaling \$1,875.00 (\$1,825.00 + \$50.00). I order that the landlords retain the security deposit of \$375.00, which includes interest, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$1,500.00 (\$1,875.00 - \$375.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$1,500.00**. 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: July 16, 2010

Dispute Resolution Officer