



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, FF

Introduction

This matter dealt with an application by the Landlords for a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlords said they served the Tenants in person on or about April 6, 2010 with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlords, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and had Notice of this proceeding. Consequently, the hearing proceeded in the Tenants' absence.

Issues(s) to be Decided

1. Are there rent arrears and if so, how much?

Background and Evidence

This fixed term tenancy started on November 1, 2009 and was to expire on November 1, 2011, however it ended on or about January 15, 2010 when the Tenants moved out. Rent was \$1,500.00 per month payable in advance on the 1st day of each month. The Tenants paid a security deposit of \$750.00 at the beginning of the tenancy.

The Landlords said that the Tenants' initial rent cheque and a replacement cheque for December 2009 were returned for insufficient funds. The Landlords claim that rent is still unpaid for December 2009 as well as for the period January 1 – 15, 2010. The Landlords also said they incurred bank charges of \$10.00 due to the Tenant's returned cheques. In support of their claim, the Landlords provided copies of e-mail correspondence with the Tenants in which the Tenants acknowledged the outstanding rent and authorized the Landlords to keep their security deposit in partial payment of them.

Analysis

Based on the documentary and oral evidence of the Landlords, I find that the Landlords are entitled to recover rent arrears in the amount of \$1,500.00 as well as \$10.00 for



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

bank charges. As the Landlords have been successful in this matter, they are also entitled pursuant to s. 72 of the Act to recover the \$50.00 filing fee for this proceeding from the Tenants.

Conclusion

A Monetary Order in the amount of **\$1,560.00** has been issued to the Landlords and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, 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: July 27, 2010.

Dispute Resolution Officer