

DECISION

Dispute Codes: MNDC and FF

Introduction

This application was brought by the landlords on May 28, 2010 seeking a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

Despite having been served with the Notice of Hearing on May 30, 2010 in person, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

Issues to be Decided

This application requires a decision on whether the landlords are entitled to a Monetary Order for the unpaid rent, and filing fee and authorization to retain the security deposit.

Background and Evidence

This tenancy began on April 1, 2010 and ended on May 31, 2010. Rent was \$700 per month and the landlords hold a security deposit of \$350 paid at the beginning of the tenancy.

This tenancy was the subject of a hearing on May 25, 2010 on the tenants' application to set aside two Notices to End Tenancy, one served on April 4, 2010 for cause and the other served on May 2, 2010 for unpaid rent. During that hearing, the parties agreed to end the tenancy on May 31, 2010. The landlord was issued with an Order of Possession in support of that agreement and the parties were granted leave to reapply for outstanding issues.

During the hearing, the landlord gave evidence that the tenants had never paid the rent for May 10, 2010 which had been the subject of the Notice to End Tenancy of May 2, 2010. The landlord stated that the tenants had vacated at the end of May 2010 without providing a forwarding address and after having caused extensive damage to the rental unit which was subsequently remedied by the landlords' insurance company.

Analysis

I accept the landlord's evidence that the tenants did not pay the rent for May 2010.

I find that the landlords are entitled to recover that rent in the amount of \$700 and that they are entitled to recover the \$50 filing fee for this proceeding from the tenants and to retain the \$350 security deposit in set off. The monetary award is calculated as follows:

| | |
|--------------------------------|-----------------|
| Rent for May 2010 | \$700.00 |
| Filing fee | <u>50.00</u> |
| Sub total | \$750.00 |
| Less retained security deposit | - 350.00 |
| TOTAL | \$400.00 |

Conclusion

In addition to authorization to retain the security deposit, the landlords' copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$400 for service on the tenants.

October 15, 2010