

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing, but the tenants did not. The landlord testified that she handed a 10 Day Notice to End Tenancy to the female tenant on November 2, 2010. She submitted a written statement, including the female tenant's signature that she had received that Notice. The landlord also testified that she handed the application for dispute resolution to the male tenant on November 16, 2010. She also testified that she had written confirmation that he had received this document. I am satisfied that these documents were served to the tenants in accordance with the *Act*.

At the hearing, the landlord said that she received \$1,300.00 from the tenants on November 24, 2010. She withdrew her application for an Order of Possession. She testified that the only outstanding portion of her application she wanted considered was her request for a monetary Order of \$53.00. She testified that there was still \$3.00 in unpaid rent owing and she asked to recover her \$50.00 filing fee for this application.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover her filing fee from the tenants? Is the landlord entitled to retain a portion of the tenants' security deposit in partial satisfaction of the monetary award issued?

Background and Evidence

This fixed term tenancy commenced on October 1, 2010. Monthly rent is set at \$850.00, payable on the first of each month. The landlord continues to hold the tenants' \$425.00 security deposit paid on September 29, 2010.

Analysis

I find that the landlord is entitled to a monetary award in the amount of \$53.00, comprised of \$3.00 in unpaid rent and the recovery of the landlord's \$50.00 filing fee of this application. I direct the landlord to retain \$53.00 from the tenants' security deposit to satisfy this monetary award.

Conclusion

The landlord's request for an Order of Possession is withdrawn. I allow the landlord's application for a monetary award of \$53.00. I direct the landlord to retain \$53.00 from the tenants' security deposit.

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*.