

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to section 67 of the *Residential Tenancy Act* (the *Act*) for a monetary order for unpaid rent and for authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord submitted written evidence of sending the tenants a copy of the dispute resolution hearing package by registered mail on October 2, 2010. The landlord presented Canada Post Tracking Numbers to confirm this mailing. I am satisfied that the landlord served these documents in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application?

Background and Evidence

This six-month fixed term tenancy agreement commenced on April 1, 2010. Monthly rent was set at \$1,200.00, payable on the first of the month. The landlord said that she continues to hold the tenants' \$600.00 security deposit, paid on March 15, 2010.

The landlord said that the tenants did not pay their September 2010 rent and vacated the rental premises on October 5, 2010. The landlord requested a monetary award of \$1,200.00 for the unpaid September 2010 rent plus recovery of the filing fee for this application.

Analysis

Based on the undisputed evidence presented by the landlord, I find that the landlord is entitled to a monetary award of \$1,200.00 in unpaid rent for September 2010. Since the landlord has been successful in this application, I allow the landlord to recover the \$50.00 filing fee from the tenants.

The landlord testified that she continues to hold the tenants' security deposit of \$600.00 plus interest from March 15, 2010 until the date of this decision. Over that period, no interest is payable on the landlord's retention of the security deposit. Although the landlord's application does not seek to retain the tenants' security deposit, using the

offsetting provisions of section 72 of the *Act*, I allow the landlord to retain the security deposit in partial satisfaction of the monetary award.

Conclusion

I issue a monetary Order in the landlord's favour in the following terms which allow the landlord to obtain the unpaid September 2010 rent, to recover the filing fee, and to retain the tenants' security deposit.

Item	Amount
Unpaid September 2010 Rent	\$1,200.00
Less Security Deposit	-600.00
Recovery of Filing Fee for this application	50.00
Total Monetary Order	\$650.00

The landlord is provided with these Orders in the above terms and the tenants must be served with a copy of these Orders as soon as possible. Should the tenants fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.