



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Are the landlords entitled to any of the above under the *Act*.

Background and Evidence

This tenancy began April 1, 1999 with monthly rent of \$900.00, the tenants paid a security deposit of \$450.00. On January 14, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have unpaid rent in the amount of \$12,175.00 that dates back to 2006. The landlord stated that the tenants from 2006-2009 continued to make partial payments towards the rent but that in 2010 the tenants stopped making any rent payments. The landlord stated that the tenants vacated the rental unit at the end of January 2011 and that the landlord now has possession of the rental unit. As the landlord no longer requires an order of possession that portion of their application is dismissed.

The tenant testified, and did not dispute that they owed the landlord \$12,175.00 in unpaid rent. The tenant moved to discuss concerns with the monthly heating bill however that matter is not part of the landlord's application.

Analysis

Based on the documentary evidence and testimony I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants in this hearing did not dispute the fact they owe the landlord \$12,175.00 in unpaid rent dating back to 2006. Therefore, based on the documentary evidence and testimony I find that the landlord is entitled to a monetary order for unpaid rent.

I find that the landlord has established a claim for \$12,175.00 in unpaid rent.

The landlord is entitled to recovery of the \$100.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$12,175.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$450.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$11,825.00** ($\$12,175.00 + \$100.00 = \$12,275.00 - \$450.00 = \$11,825.00$)

A monetary order in the amount of **\$11,825.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, 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: March 4, 2011.

Residential Tenancy Branch