



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenants' security deposit in partial payment of that amount.

The Landlord said he served the Tenants in person on March 18, 2011 with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants' absence.

### Issue(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to keep the Tenants' security deposit?

### Background and Evidence

This month-to-month tenancy started on October 1, 2010. Rent was \$950.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Tenants paid a security deposit of \$480.00 at the beginning of the tenancy. The Landlord said the Tenants were also required to pay a pet deposit but failed to do so.

The Landlord said the Tenants did not pay rent for March 2011 when it was due so instead of serving them with a 10 Day Notice to End Tenancy for Unpaid Rent, the Tenants agreed to sign a Mutual Agreement to End the Tenancy effective March 31, 2011. The Landlord said the Tenants did not move out until April 3, 2011 and have not paid the rent for March 2011.

Analysis

In the absence of any evidence from the Tenants to the contrary, I find that the Landlord is entitled to recover unpaid rent for March 2011 of \$950.00. I also find pursuant to s. 72 of the Act that the Landlord is entitled to recover from the Tenants the \$50.00 filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenants' security deposit of \$480.00 in partial payment of his monetary claim. The Landlord will receive a Monetary Order for the balance owing of \$520.00.

Conclusion

A Monetary Order in the amount of **\$520.00** has been issued to the Landlord 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: April 05, 2011.

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Residential Tenancy Branch