



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on or about December 11, 2010, the tenants did not participate in the conference call hearing.

Issue to be Decided

Are the landlords entitled to a monetary order as claimed?

Background and Evidence

The landlords' undisputed testimony is as follows. The tenants were obligated to pay \$2,500.00 per month in rent. The tenants failed to pay \$250.00 of their rent in the month of September 2010 and in the months of October, November and December 2010 they paid no rent whatsoever.

The landlords seek to recover the unpaid rent for these months. For the month of December, the landlords claimed just \$1,250.00. The landlords also seek to recover the \$100.00 filing fee paid to bring their application.

Analysis

I accept the landlords' undisputed testimony and I find that the tenants failed to pay \$6,500.00 in rent for the months of September – December 2010 inclusive. I award the landlords \$6,500.00 in unpaid rent. I find that the landlords should recover the filing fee and I award them \$100.00.

Conclusion

The landlords have been awarded \$6,600.00. Although the landlords did not apply to retain the \$1,250.00 security deposit, at the hearing they indicated that they would like to apply the security deposit to the award. Under section 72(2)(b) of the Act I am permitted to apply a security deposit to an amount awarded to a landlord and I find it appropriate to do so here. I order the landlords to retain the \$1,250.00 security deposit in partial satisfaction of their claim and I grant them a monetary order under section 67 for the balance of \$5,350.00. This order may be filed in the Small Claims Division of the Provincial Court 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 18, 2011

Residential Tenancy Branch