

DECISION

Dispute Codes OPR, MNR, MNSD, FF, O

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 pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 9:40 a.m. in order to enable them to connect with 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 testified that she posted a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on the tenants' door on May 2, 2011. She testified that she sent a copy of the dispute resolution hearing package to the tenants by registered mail on May 22, 2011. She provided a copy of the Canada Post Tracking Number to confirm this mailing. I am satisfied that the landlord served these documents to the tenants in accordance with the *Act*.

At the hearing, the landlord reported that the tenants vacated the rental property on May 30, 2011. The landlord withdrew the application for an Order of Possession.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary award requested? Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

This six-month fixed term tenancy commenced on December 1, 2010. Monthly rent was set at \$1,020.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$510.00 security deposit paid on November 30, 2010.

The landlord said that the tenants have not paid any portion of the \$1,020.00 identified as owing for their May 2011 rent.

Analysis

Based on the undisputed evidence of the landlord, I issue a monetary award in the landlord's favour in the amount of \$1,020.00, the amount of the unpaid rent identified in the Notice. As the landlord has been successful in this application, I issue a monetary award of \$50.00 to allow the landlord to recover the filing fee for this application.

I order the landlord to retain the tenants' \$510.00 security deposit plus interest to partially offset the monetary award issued in this decision. No interest is payable over this period.

Conclusion

I issue a monetary award in the landlord's favour in the following terms which allows the landlord to recover unpaid rent and the filing fee for the application, less the retained portion of the tenants' security deposit.

Item	Amount
Unpaid May 2011 Rent	\$1,020.00
Less Security Deposit	-510.00
Recovery of Filing Fee for this application	50.00
Total Monetary Order	\$560.00

The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible. Should the tenant(s) 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*.