



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on September 9, 2011.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on December 1, 2001. The current net rent is \$875.00 due in advance on the first day of each month. The tenants paid a security deposit of \$300.00 on November 2, 2001. The tenants were in arrears of rent in the amount of \$330.00 prior to August 1, 2011. The tenants paid \$500.00 on account of August rent, leaving \$375.00 outstanding for August. The tenants did not pay rent for September when it was due. On September 2, 2011 the landlord served the tenants with a Notice to End Tenancy for non-payment of rent by handing it to the female tenant. The tenants paid the landlord \$880.00 in September, but not within five days of receiving the 10 day Notice to End Tenancy. The tenants have paid the full amount of outstanding rent and they did not file an application to dispute the Notice to End Tenancy. They moved out of the rental unit on September 30, 2011.

Analysis and Conclusion

Order of Possession – the tenants have moved out and an order for possession is no longer required; the application for an order for possession is therefore dismissed.

Monetary Order and Security Deposit – The tenants paid September rent plus an additional \$5.00, but they had arrears of \$330.00 outstanding for periods before August and \$375.00 was owed for August. I find that the landlord has established a total monetary claim of \$700.00 for the outstanding rent up to the end of the tenancy. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$750.00. I order that the landlord retain the deposit and interest of \$312.16 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$437.84. This order may be filed in the Small Claims 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: October 05, 2011.

Residential Tenancy Branch