



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 landlords for an order for possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The landlords also requested recovery of the filing fee from the tenants. Although served with the Application for Dispute Resolution and Notice of Hearing in person on October 7, 2011 the tenants did not appear.

At the outset of the hearing the landlords withdrew their request for an order of possession. The tenants vacated the rental unit on October 27, 2011.

Issues

Are the landlords entitled to the requested orders?

Background and Evidence

This tenancy began on April 1, 2011. The rent was \$650.00 due in advance on the first day of each month. A security deposit of \$325.00 was paid at the start of the tenancy. On September 2, 2011 the tenants were served with a Notice to End Tenancy for non-payment of rent. The tenants did not pay the outstanding rent and did not file an application to dispute the Notice. The tenants then vacated the rental unit on October 27, 2011 without having paid the rent for either September or October.

Analysis

The tenants were liable for the rent for both September and October but failed to pay. Accordingly, I am satisfied that the landlord has established a monetary claim in the amount of \$1,300.00 in unpaid rent.

Conclusion

I find that the landlord has established a total monetary claim of \$1,350.00 comprised of \$1,300.00 in unpaid rent and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$325.00 in partial satisfaction of

the claim and I grant the landlord an order under section 67 for the balance due of \$1,025.00. 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*.