



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 those amounts.

The Landlord said he served the Tenants with the Application and Notice of Hearing (the "hearing package") on December 22, 2011 by registered mail to a forwarding address provided by the Tenants. Section 90(a) of the Act says a document delivered by mail is deemed to be received three days later. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlords' 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 fixed term tenancy started on November 1, 2011 and was to expire on April 30, 2012 however it ended on or about December 21, 2011 when the Tenants moved out. Rent was \$800.00 per month payable in advance on the 1st day of each month. The Tenants paid a security deposit of \$400.00 at the beginning of the tenancy.

The Landlord said the Tenants did not pay rent for December 2011 when it was due and as a result on December 16, 2011, he served them with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Landlord said rent for December 2011 has not been paid.

Analysis

In the absence of any evidence from the Tenants to the contrary, I find that rent for December 2011 has not been paid. Consequently, I find that the Landlord is entitled to

recover unpaid rent of \$800.00 as well as the \$50.00 filing fee he paid for this proceeding. I Order the Landlord pursuant to s. 38(4) of the Act to keep the Tenants' security deposit of \$400.00 in partial payment of the monetary award. The Landlord will receive a Monetary Order for the balance owing of \$450.00.

Conclusion

A Monetary Order in the amount of **\$450.00** 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: March 23, 2012.

Residential Tenancy Branch