



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlords' application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlords are entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this month-to-month tenancy which began on December 1, 2011. Monthly rent of \$975.00 was payable in advance on the first day of each month, and the parties agree that a security deposit of \$487.50 (half the monthly rent) was collected.

The landlords issued a 10 day notice to end tenancy for unpaid rent dated February 10, 2012. The notice was served in person on the tenants on that same date. A copy of the notice was submitted in evidence. Thereafter, the tenants vacated the unit on February 29, 2012 and later, on March 7, 2012, the tenants made a limited payment toward outstanding rent in the amount of \$200.00. The parties agree that the current status of outstanding rent is as follows:

\$375.00 still outstanding for January 2012

\$975.00 still outstanding for February 2012

Total: \$1,350.00

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

As the tenants vacated the unit subsequent to the landlords' filing of the application, I consider the landlords' application for an order of possession to be withdrawn.

Based on the documentary evidence and testimony of the parties, I find that the landlords have established entitlement to compensation for unpaid rent in the total amount of \$1,350.00, as set out above.

As the landlords have succeeded with their application I find that they have also established entitlement to recovery of the \$50.00 filing fee.

The landlords' total entitlement is therefore \$1,400.00 (\$1,350.00 + \$50.00). I order that the landlords retain the security deposit of \$487.50, and I grant a monetary order in favour of the landlords for the balance owed of \$912.50 (\$1,400.00 - \$487.50).

The parties agree that issuance of the above monetary order brings full and final settlement to all aspects of the dispute arising from this tenancy for both parties, such that neither will file a future application for dispute resolution in relation to this tenancy.

The parties further agree that payment(s) made to the landlord in association with the monetary order will be by way of cheque mailed to the landlords' home address.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$912.50**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court, and enforced as a 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 12, 2012.

Residential Tenancy Branch