



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**OPR, MNR, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The Agent for the landlord provided affirmed testimony that on April 2, 2012, in the evening, with both of his parents present as witnesses; copies of the Application for Dispute Resolution and Notice of Hearing were personally given to each respondent, at the rental unit address.

These documents are deemed to have been served in accordance with section 89 of the Act; however the tenants did not appear at the hearing.

### Preliminary Matter

The landlord testified that the tenants vacated the unit yesterday; an Order of possession is no longer required.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy commenced on September 1, 2011; rent was \$1,400.00 due on the first day of each month. The landlord is holding a \$200.00 pet deposit; the \$700.00 security deposit was applied to one half of March, 2012, rent owed.

The tenant's have not paid \$700.00 March rent and did not pay any April rent.

The landlord wishes to apply the pet deposit to the outstanding amount of rent owed.

### Analysis

In the absence of evidence to the contrary, I find that the tenants have not paid rent in the amount of \$700.00 for March, 2012 and \$1,400.00 for April, 2012, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant.

Therefore, I find that the landlord may retain the tenant's pet deposit in the amount of \$200.00, in partial satisfaction of the monetary claim.

### Conclusion

I find that the landlord has established a monetary claim, in the amount of \$2,150.00, which is comprised of unpaid rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's pet deposit in the amount of \$200.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$1,950.00. In the event that the tenants do not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia 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: April 18, 2012.

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Residential Tenancy Branch