



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR; MNR; MNSD; FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to each of the Tenants, via registered mail, to the rental unit on March 15, 2012. The Landlord provided the receipts and tracking numbers for the registered documents.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that both of the Tenants were duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the documents, neither Tenant signed into the teleconference and the Hearing proceeded in their absence.

### **Issues to be Decided**

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for Unpaid Rent?
- May the Landlord apply the security and pet damage deposits towards partial satisfaction of its monetary award?

### **Background and Evidence**

The Landlord's agent gave the following testimony and evidence:

A copy of the tenancy agreement was provided in evidence. Monthly rent is \$1,000.00 per month, due the first day of each month. The Tenants paid a security deposit in the amount of \$500.00 and a pet damage deposit in the amount of \$250.00 on August 23, 2010.

On March 5, 2012, at 11:00 a.m. the Landlord's agent served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenants' door at the rental unit with a witness present. The Landlord provided a certificate of service in evidence.

The Landlord's agent testified that the Tenants abandoned the rental unit about 1 ½ weeks ago and that the Landlord has taken back possession of the rental unit.

The Landlord's agent testified that the Tenants owe rent for February, 2012, in the amount of \$760.00 and for March, 2012 in the amount of \$1,000.00. He stated that no rent has been paid since the Landlord filed its Application for Dispute Resolution.

### **Analysis**

The Landlord has taken possession of the rental unit, and therefore its application for an Order of Possession is not longer required. This portion of the Landlord's application is dismissed.

Based on the undisputed testimony of the Landlord's agent and the documentary evidence provided, I find that the Landlord has established a monetary award for unpaid rent in the amount of \$1,760.00.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlord may apply the security deposit and pet damage deposit towards partial satisfaction of the Landlord's monetary award. No interest has accrued on the security deposit.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenants.

I hereby provide the Landlord Monetary Order against the Tenants, calculated as follows:

|   |                   |
|---|-------------------|
| Unpaid rent   | \$1,760.00        |
| Filing fee  | <u>\$50.00</u>    |
| Subtotal  | \$1,810.00        |
| Less security deposit and pet damage deposit          | <u>- \$750.00</u> |
| <b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b> | <b>\$1,060.00</b> |

**Conclusion**

The Landlord's application for an Order of Possession is dismissed, as the Landlord has taken possession of the rental unit.

I hereby provide the Landlord a Monetary Order in the amount of **\$1,060.00** for service upon the Tenants. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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 03, 2012.

---

Residential Tenancy Branch