



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened in response to an application filed by the landlord seeking a monetary order in the sum of \$375.00 and recovery of the filing fee paid for this application.

The landlord gave evidence that she served the tenants with notice of this hearing and with her application for dispute resolution and evidence package by way of registered mail sent February 29, 2012 to the forwarding address supplied by the tenants.

Issue(s) to be Decided

Has the landlord met the burden of proving her claim?

Background and Evidence

The landlords served a 1 month Notice to End Tenancy for Cause with an effective date of March 1, 2012. The landlord submits that the tenants did vacate but they failed to pay rent for the month of February, 2012. The landlord holds a security deposit in the sum of \$375.00 and she is seeking an monetary award of \$375.00 to realize the full \$750.00 in arrears owing for February 2012.

Analysis

Although the landlord's Application does not specifically seek an Order allowing her to retain the deposit in her Details of Dispute the landlord does say that she is seeking: \$750.00 minus damage deposit of \$375.00. Based on the details of dispute I am satisfied that the landlord has applied to retain the security deposit and I will therefore consider that application.

With respect to the claim for \$750.00 in rent for February based on the undisputed evidence of the landlord I find that she is entitled to that sum. I will therefore allow the

landlord to retain the security deposit and provide the landlord with a monetary award for the balance owing.

As the landlord has been successful in her application I find she is entitled to recovery of the filing fee paid for the application.

Calculation of Award in Favour of the Landlord

Rental Arrears for February 2012	\$750.00
Filing Fee	50.00
Total monetary award in favour of Landlord payable by the Tenants	\$425.00

Conclusion

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order as any Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order as any Order of the Provincial Court of British Columbia.

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: May 01, 2012.

Residential Tenancy Branch