



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order authorizing her to retain the security deposit. Despite having been personally served with the application for dispute resolution and notice of hearing on April 16, the tenants did not participate in the conference call hearing.

At the outset of the hearing, the landlord advised that on or about April 19, she discovered that the tenants had abandoned the rental unit. As an order of possession is no longer required, I consider that claim to have been withdrawn. The landlord also withdrew her claim for loss of income for the month of May and the claim for a late payment charge for May.

On April 27, the landlord submitted to the Residential Tenancy Branch photographs of damage to the rental unit and a list of costs incurred to repair the damage. The landlord testified that she had not served the tenants with a copy of that evidence. I advised the landlord that I would not consider the evidence as the tenants had not received it and that I would not permit her to amend her claim to include a claim for the cost of repairs. The landlord is free to make a future claim for those costs.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenants were obligated to pay \$925.00 in rent and at the outset of the tenancy paid a \$462.50 security deposit. They failed to pay rent on April 1, 2012. In May, the landlord received a partial payment of rent from a government agency. The landlord testified that the tenants currently owe \$616.67 in rent for April as well as \$25.00 for a late payment fee pursuant to the terms of the tenancy agreement.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants are liable for the \$616.67 in rental arrears and a \$25.00 late payment fee. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring her application for a total entitlement of \$691.67. I order the landlord to retain the \$462.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$229.17. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$229.17 and will retain the security deposit.

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 02, 2012

Residential Tenancy Branch