



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the landlords for an Order of Possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenants for the cost of this application.

The landlord and the landlord company were represented by an agent who provided evidence in advance of the hearing and affirmed testimony. However, despite being served with the Landlord Application for Dispute Resolution and notice of hearing documents by registered mail on May 11, 2012, neither of the tenants attended. The landlords' agent provided tracking numbers issued by Canada Post for each of the tenants, and I find that the tenants have been served in accordance with the *Residential Tenancy Act*.

All evidence and the testimony provided have been reviewed and are considered in this Decision.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for unpaid rent or utilities?

Are the landlords entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

The landlords' agent testified that this month-to-month tenancy began on January 1, 2007 and ended on or about May 21, 2012. Rent in the amount of \$1,000.00 per month was payable in advance on the 1st day of each month, although no tenancy agreement has been provided. At the outset of the tenancy the landlords collected a security deposit in the amount of \$500.00 as well as a pet damage deposit in the amount of \$500.00. No move-in or move-out condition inspection reports were completed.

The landlords' agent further testified that the tenants failed to pay rent in full for the month of January, 2012, leaving a balance outstanding of \$550.00. The tenants further failed to pay any rent for the months of February, March, April or May, 2012.

On April 26, 2012 the tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities by leaving it personally with one of the tenants. A copy of the notice was provided for this hearing, and it is dated April 26, 2012 and contains an expected date of vacancy of May 6, 2012. The landlords' agent testified that the tenants moved from the rental unit on May 21, 2012, and therefore, the application for an Order of Possession is withdrawn.

The tenants have not paid the outstanding rent, and the landlords request a monetary order as against both tenants in the amount of \$4,550.00, as well as recovery of the \$50.00 filing fee for the cost of this application.

Analysis

I accept the testimony of the landlords' agent that the tenants failed to pay rent when it was due, and the tenants continued to fail to pay the full amount of rent, and I find that the landlords are entitled to a monetary order for unpaid rent in the amount of \$4,550.00. Since the landlords have been successful with the application, the landlords are also entitled to recovery of the \$50.00 filing fee for the cost of this application.

The landlords currently hold \$1,000.00 in trust on behalf of the tenants and I find that the tenants are also entitled to a credit in the amount of \$30.22 as interest on that amount from January 1, 2007 to June 1, 2012. The landlords will have a monetary order in the amount of \$4,600.00 less \$1,030.22, for a total of \$3,569.78

Conclusion

For the reasons set out above, the landlords' application for an Order of Possession is hereby dismissed as withdrawn.

I order the landlords to keep the security deposit in the amount of \$500.00 and the pet damage deposit in the amount of \$500.00, as well as interest accrued thereon from January 1, 2007 to June 1, 2012 in the amount of \$30.22 in partial satisfaction of the landlords' monetary claim, and I hereby grant a monetary order in favour of the landlords pursuant to Section 67 of the *Residential Tenancy Act* for the difference in the amount of \$3,569.78.

This order is final and binding on the parties and may be enforced.

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: June 01, 2012.

Residential Tenancy Branch