



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNR, MNDC, MNSD and FF

### Introduction

This application was brought by the landlords on June 14, 2012 seeking an Order of Possession pursuant to a Notice to End Tenancy for cause served on the tenants on May 31, 2012 in person. The landlords also sought a monetary award for unpaid rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balanced owed.

At the commencement of the hearing, the parties advised that the tenants had vacated the rental unit and conducted a move-out condition inspection on June 28, 2012. The attending tenant confirmed that he had no further interest in the rental unit and the landlord concurred that the Order of Possession was no longer required.

### Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to a Monetary Order as requested and authorization to retain the security and pet damage deposits in deposits in set off.

### Background, Evidence and Analysis

This tenancy began on February 16, 2012. Rent was \$1,210.62 per month, paid on the first and fourteenth of the month, and the landlords hold a security deposit of \$500 paid on February 2, 2012.

During the hearing, the landlord elaborated on the following claims for unpaid rent and the tenant agreed that the claimed amounts were owed as follows:

**Accumulated rent arrears to May 2012 - \$2,658.20.** The landlord explained that the tenants had fallen into arrears by approximately four month rent in September of 2011. The landlords had accepted the tenants' proposal to pay off the arrears in instalments with the final \$400 instalment having been made on May 4, 2012. The claim for the balance of the rent arrears of \$2,658.12 is allowed in full.

**Rent shortfall for May 2012 - \$810.62.** The tenant acknowledged the rent shortfall for May 2012 and the claim is allowed in full.

**June 2012 rent - \$1,210.62.** The tenant acknowledged that the June 2012 rent had not been paid and the claim is allowed in full.

**Filing fee - \$50.** As the application has succeeded on its merits, I find that the landlords are entitled to recover the filing fee for his proceeding from the tenants.

**Security deposit plus interest – (\$517.47).** The \$500 security deposit paid on February 2, 2012 has accumulated \$17.47 in interest to date. As authorized by section 72 of the *Act*, I hereby order that the landlords shall retain the deposit and interest in set off against the balance owed to them.

Thus, I find that the tenants owe to the landlord an amount calculated as follows:

|  |                   |
|--|-------------------|
| Accumulated rent arrears to May 2012                               | \$2,658.20        |
| June 2012 rent   | 1,210.62          |
| Filing fee   | 50.00             |
| Sub total  | \$4,729.44        |
| Less retained security deposit and interest from February 2, 2006. | - 517.47          |
| <b>TOTAL</b>   | <b>\$4,211.97</b> |

### Conclusion

In addition to authorization to retain the security deposit in set off, the landlords' copy of this decision is accompanied by a Monetary Order for **\$4,211.97**, enforceable through the Provincial Court of British Columbia, for service on the tenants.

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: July 06, 2012.

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Residential Tenancy Branch