



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 22, 2012 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenants on the 5th day after it was mailed. The landlord testified that she had confirmation the tenants received the packages on August 23, 2012

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant to the *Act*.

The landlord testified the tenants vacated the rental unit on or before September 1, 2012 and there is no longer a need for an order of possession. I amended the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted a copy of a tenancy agreement for a 1 year fixed term tenancy beginning on May 1, 2009 that converted to a month to month tenancy on May 1, 2010 for a monthly rent of \$1,000.00 due on the 1st of each month with a security deposit of \$500.00 paid. The landlord also provided confirmation of a rent increases making the current rent \$1,074.00.

The landlord also submitted a ledger showing that tenants failure to pay the full rent for any month commencing in February 2012 with an outstanding balance of \$2,127.00.

Analysis

In the absence of any evidence or testimony from the tenants disputing the landlord's claim, I find the landlord is entitled to the unpaid rent as outlined in the ledger submitted into evidence.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,267.00** comprised of \$2,217.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$500.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,767.00**.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: September 25, 2012.

Residential Tenancy Branch