



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR; MNR; MNDC, MNSD; FF

### **Introduction**

This is the Landlords' application for an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of their monetary claim; and to recover the cost of the filing fee from the Tenants.

The Landlords' agents gave affirmed testimony at the Hearing.

The Landlords' agents testified that the Notice of Hearing documents were mailed to each of the Tenants, via registered mail, to the rental unit on July 25, 2012. The Landlords provided the tracking numbers for both of the registered documents.

Based on the affirmed testimony of the Landlords' agents, I am satisfied that the Tenants were both duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

### **Preliminary Matters**

At the outset of the Hearing, the Landlords' agents testified that the Tenants moved out of the rental unit at some point between August 5 and August 10, 2012. The Landlords discovered this because the Tenants had abandoned their cat and their neighbours phoned the SPCA, who attended on August 10, 2012 and rescued the cat. The Landlords have taken back possession of the rental unit and no longer require an Order of Possession. Therefore, they withdrew that portion of their Application.

### **Issues to be Decided**

- Are the Landlords entitled to a Monetary Order for unpaid rent in the amount of \$477.75 for June and \$625.00 for July, 2012?

### **Background and Evidence**

The Landlords' agents gave the following testimony and evidence:

Monthly rent is \$625.00, due on the first day of each month. The Tenants paid a security deposit in the amount of \$312.50 on May 20, 2011.

The Tenants paid only part of their rent for the month of June and paid no rent when it was due on July 1, 2012. On July 6, 2012, the Landlords' agent served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenants' door at the rental unit.

The Tenants did not pay any of the arrears before they moved out of the rental unit.

### **Analysis**

I accept the Landlords' agents' undisputed testimony in its entirety. I find that the Landlords have established a monetary claim for unpaid rent, as follows:

Unpaid rent for June, 2012	\$477.75
Unpaid rent for July, 2012	<u>\$625.00</u>
TOTAL	\$1,102.75

Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of their monetary award. No interest has accrued on the security deposit.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the \$50.00 filing fee from the Tenants.

I hereby provide the Landlords a Monetary Order against the Tenants, calculated as follows:

Unpaid rent	\$1,102.75
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,152.75
Less security deposit	<u>- \$312.50</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF</b>	<b>\$840.25</b>

### **Conclusion**

I hereby provide the Landlords a Monetary Order in the amount of **\$840.25** for service upon the Tenants. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and 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 05, 2012.

---

Residential Tenancy Branch