



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Landlords' application filed September 7, 2012: OPC; MNR; MNSD; FF

Tenants' application filed September 12, 2012: MT; AAT; CNC; LAT; MNDC; OLC; RR;
O; FF

Introduction

This Hearing was convened to consider cross applications. The Landlords seek an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in satisfaction of the Landlords' monetary award; and to recover the cost of the filing fee from the Tenants.

The Tenants seek an extension of time in order to file their application to cancel a Notice to End Tenancy; to cancel a Notice to End Tenancy; an Order that the Landlords allow the Tenants access to or from the rental unit; an Order authorizing the Tenants to change the locks to the rental unit; an Order suspending or setting conditions on the Landlords' right to enter the rental unit; compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlords comply with the Act, regulation or tenancy agreement; a reduction in rent; and to recover the cost of the filing fee from the Landlords.

The Landlord gave affirmed testimony at the Hearing.

This matter was originally convened on October 10, 2012, and was adjourned to November 15, 2012, at 9:00 a.m. An Interim Decision was rendered on October 11, 2012, which should be read in conjunction with this Decision. The Residential Tenancy Branch provided both parties with Notices of the reconvened Hearing by mail.

Despite being provided with the Notice of reconvened Hearing, by 9:10 a.m., the Tenants had not signed into the teleconference. Therefore the Tenants' Application is dismissed **without leave to reapply**.

Preliminary Matters

At the outset of the reconvened Hearing, the Landlord testified that the Tenants moved out of the rental unit by October 9, 2012, and therefore the Landlord no longer required

an Order of Possession. Therefore this portion of the Landlords' application is dismissed.

The Landlord also withdrew her application for recovery of the cost of the filing fee.

Issue(s) to be Decided

- Are the Landlord entitled to a monetary award for unpaid rent in the amount of \$400.00 for the month of September, 2012?
- May the Landlords apply the security deposit in satisfaction of their monetary award?

Background and Evidence

The Landlord gave the following testimony:

This tenancy began on October 10, 2011. Monthly rent was \$800.00, due on the first day of each month.

The Tenants owe \$400.00 in unpaid rent for the month of September, 2012.

The Tenants paid a security deposit in the amount of \$400.00 October 24, 2011.

Analysis

Based on the undisputed affirmed testimony of the Landlord, I find that the Landlords are entitled to a monetary award in the amount of \$400.00 for unpaid rent.

Pursuant to the provisions of Section 72 of the Act, the Landlords may apply the security deposit in satisfaction of their monetary award.

Conclusion

The Tenants' application is dismissed in its entirety, **without leave to reapply**.

The Landlords' application for an Order of Possession is **dismissed**.

The Landlords' application for recovery of the filing fee is withdrawn.

The Landlords are granted a monetary award in the amount of **\$400.00** for unpaid rent for September, 2012. The Landlords may retain the security deposit in satisfaction of their monetary award.

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: November 15, 2012.

Residential Tenancy Branch