



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MNSD, FF

### Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

As the tenants have now vacated the unit, the landlord withdrew the application for an order of possession.

### Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on August 31, 2011. Monthly rent of \$1,200.00 is due and payable in advance on the 31<sup>st</sup> day of each month. A security deposit of \$600.00 was collected.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated October 12, 2012. The notice was served in-person on the tenants on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent and they vacated the unit on October 22, 2012.

During the hearing the parties exchanged views around the amount of compensation owed by the tenants to the landlord.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 63 of the Act addresses the **Opportunity to settle dispute**. Pursuant to this provision, during the hearing the parties reached an agreement in relation to the amount of compensation owed by the tenants to the landlord. In short, the amount agreed to is \$3,450.00. An overview of the component parts of this total is as follows:

- \$1,300.00: unpaid rent as of July
- + \$1,200.00: unpaid rent for September
- + \$900.00: unpaid rent for October
- + \$50.00: the filing fee.

I order that the landlord retain the security deposit of \$600.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,850.00 (\$3,450.00 - \$600.00).

#### Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$2,850.00. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court 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: November 22, 2012.

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Residential Tenancy Branch