



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP, RR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the tenants for a monetary order and orders compelling the landlord to perform repairs and authorizing the tenants to reduce their rent and a cross-application by the landlords for a monetary order. The tenants did not appear at the conference call hearing. The landlord gave evidence that he sent the application for dispute resolution and notice of hearing to the tenants via registered mail. One tenant signed for the documents and the other did not. I found that the tenants had been properly served with notice of the hearing and of the landlords' claim and the hearing proceeded in their absence.

As the tenants did not participate in the hearing, their claims are dismissed without leave to reapply.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in July 2012 and ended on or about November 20, 2012. At the outset of the tenancy, the tenants paid a \$1,790.00 security deposit. The tenants were obligated to pay \$1,790.00 in rent in advance on the first day of each month. The tenants' rent cheques for the months of October and November were returned by the tenants' bank for insufficient funds. The landlord seeks to recover those monies.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants failed to pay rent in the months of October and November as required under the terms of the tenancy agreement. I find that the landlords are entitled to recover the rental arrears and I award them \$3,580.00. I further find that the landlords are entitled to recover the

\$50.00 filing fee paid to bring their application and I award them this sum for a total award of \$3,630.00. I order the landlords to retain the \$1,790.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance of \$1,840.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenants' claim is dismissed without leave to reapply. The landlord is granted a monetary order for \$1,840.00.

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 30, 2012

Residential Tenancy Branch