



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenants were each given full opportunity to be heard, to present evidence and to make submissions. At the onset of the Hearing the Landlord confirmed that the Tenants moved out of the unit and that the Landlord no longer requires an Order of Possession.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The following are relevant and undisputed facts: The tenancy began on August 15, 2012. Rent in the amount of \$1,400.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$700.00. The Tenants failed to pay rent for October 2012 and on October 8, 2012 the Tenants received a 10 day Notice to End Tenancy for Unpaid Rent (the "Notice"). The Tenants moved out of their unit on October 15, 2012 and did not pay the outstanding rent.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. Based on the undisputed facts, I find that the Landlord has substantiated its claim for unpaid rent for October 2012 in the amount of **\$1,400.00**. The Landlord is entitled to recovery of the **\$50.00** filing fee, for a total entitlement of **\$1,450.00**. Setting the **security deposit** plus zero interest of **\$700.00** off the monetary entitlement leaves the amount of **\$750.00** owing by the Tenants to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$700.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$750.00**. If necessary, this order may be 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 21, 2012.

Residential Tenancy Branch