



Dispute Resolution Services

Page: 1

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 Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that on January 11, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant via registered mail at the address noted on the Application. A Canada Post tracking number and receipt for each respondent was provided as evidence of service.

These documents are deemed to have been served in accordance with sections 89 and 90 of the Act; however the tenants did not appear at the hearing.

Preliminary Matters

The landlord withdrew the request for an Order of possession as the tenants vacated the unit on January 29, 2013.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

May the landlord retain the deposit paid by the tenants?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on May 1, 2007; a deposit in the sum of \$350.00 was paid on March 31, 2007. At the end of the tenancy rent was \$792.83 per month, due on or before the first day of each month. A copy of the tenancy agreement was supplied as evidence.

A Ten Day Notice to End Tenancy for Unpaid Rent was issued on December 31, 2012, for rent owed December 1, 2012. The tenants had been given an extension of time to pay. The tenants did not pay December rent owed and did not pay January 2013 rent owed.

The tenants did not vacate on the effective date of the Notice; January 10, 2013, but remained in the unit until January 29, 2013.

The landlord has claimed compensation for unpaid December 2012 rent and January 2013 rent in the sum of \$1,585.66.

Analysis

In the absence of the tenants who were served with Notice of this hearing, I find that the tenancy ended on January 29, 2013, when the tenants vacated the unit.

I find, that the tenants failed to pay rent owed for December 2012 and January 2013 in the sum of \$1,585.66 and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the \$50.00 filing fee from the tenants for the cost of this Application for Dispute Resolution.

I find that the landlord is entitled to retain the tenant's security deposit plus interest, in the amount of \$359.28, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order in the sum of \$1,276.38. In the event that the tenants do not comply with this Order, it may be served on the tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to compensation for unpaid rent and filing fee costs.

The landlord is entitled to retain the deposit.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: February 01, 2013

Residential Tenancy Branch

