



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes 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. A Monetary Order for unpaid rent - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenants were each served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenants did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amounts claimed?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started on July 1, 2012 and ended on September 29, 2012. Rent of \$840.00 was payable monthly and at the onset of the tenancy the Landlord collected \$420.00 as a security deposit. The Tenants failed to pay September 2012 rent by providing the Landlord with a cheque that was returned NSF. The Tenants did not pay for parking as this was not used by the Tenants. The Landlord claims \$840.00.

Analysis

Section 26 of the Act provides that a tenant must rent as it is due. Based on the undisputed evidence of the Landlord, I find that the Landlord has substantiated an entitlement to **\$840.00** for unpaid rent. The Landlord is also entitled to recovery of the **\$50.00** filing fee for a total entitlement of **\$890.00**. Setting the security deposit of **\$420.00** plus zero interest off this entitlement leaves **\$470.00** owed by the Tenants to the Landlord.

Conclusion

I order that the Landlord retain the **deposit** and interest of \$420.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$470.00**. 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: April 16, 2013

Residential Tenancy Branch