



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested a monetary Order for unpaid rent, to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on January 26, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant at the rental unit address, via registered mail. Canada Post tracking numbers and receipts were provided as evidence of service to each tenant. The landlord submitted a copy of Canada Post scanned delivery date and signature document showing that each of the packages was accepted by the male tenant.

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

Issue(s) to be Decided

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

Is the landlord entitled to retain the deposit paid by the tenants?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on December 1, 2012; rent was \$950.00 due on or before the 1st day of each month. A deposit in the sum of \$425.00 was paid. A copy of the tenancy agreement was supplied as evidence.

The tenants did not pay January rent owed in the sum of \$950.00 and they vacated the unit on January 19, 2013; the day after the effective date of an undisputed 10 Day Notice to End Tenancy for Unpaid Rent that had been served to the tenants. A copy of the Notice was supplied as evidence.

The landlord has claimed unpaid January 2013 rent in the sum of \$950.00; less the \$425.00 security deposit.

Analysis

In the absence of the tenant's who were served with Notice of this hearing, based on the evidence before me, I find that the rent owed in the sum of \$950.00 for January 2013 was not paid. Therefore, I find pursuant to section 67 of the Act that the landlord is entitled to compensation in the sum of \$950.00.

I find that the landlord is entitled to retain the deposit in the sum of \$425.00 in partial satisfaction of the claim.

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

Based on these determinations I grant the landlord a monetary Order in the sum of \$575.00. 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

I find that the landlord established a monetary claim, in the amount of \$950.00, which is comprised of unpaid January 2013 rent.

The landlord may retain the security deposit.

The landlord is entitled to filing fee costs.

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 18, 2013

Residential Tenancy Branch