



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlords attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend or submit any documentary evidence. The Landlord states that the Tenants were served with the notice of hearing package and submitted documentary evidence by Canada Post Registered Mail on April 4, 2013 and has provided in her direct testimony the Customer Receipt Tracking numbers as confirmation. The Landlord reports that an on-line search shows that Canada Post attempted to serve both packages twice and that notices were left, but that the Tenants failed to pick up the packages. I accept the undisputed testimony of the Landlord and find that both Tenants have been properly served with the notice of hearing package and submitted documentary evidence.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on May 1, 2012 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The Landlord states that the Tenants vacated the rental unit on March 1, 2013. The monthly rent was \$1,300.00 payable on the 1st of each month and a \$600.00 security deposit was paid on April 9, 2012.

The Landlord states that the Tenant failed to pay a portion of rent for January 2013 of \$350.00 and again failed to pay February 2013 rent of \$1,300.00. Both parties agreed

on March 1, 2013 that the Tenant would pay the outstanding balance of \$1,650.00 by March 15, 2013. The Landlord has submitted a copy of a signed agreement dated March 1, 2013 as confirmation. The Landlord states that many attempts were made to contact the Tenants after March 15, 2013 with no success. The Landlord states that no rent has been paid since and that the Tenants have vacated the rental unit on March 1, 2013.

The Landlord seeks a monetary claim of \$1,650.00 for unpaid rent and to offset the \$600.00 security deposit against this claim.

Analysis

I accept the undisputed evidence of the Landlord and find that a monetary claim for \$1,650.00 has been established. The Landlord has provided a signed agreement by the Tenants that show that \$1,650.00 in rent was owed as of March 1, 2013. The Landlords are also entitled to recovery of the \$50.00 filing fee. I order that the Landlords retain the \$600.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$1,100.00. The order must be served upon the Tenants. This Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

Conclusion

The Landlord is granted a monetary order for \$1,100.00.
The Landlord may retain the \$600.00 security deposit.

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: June 26, 2013

Residential Tenancy Branch