



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNR; MNSD; FF

### **Introduction**

This is the Landlords' application for a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlords gave affirmed testimony at the Hearing.

The Landlords testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on October 10, 2013. The Landlords provided the tracking numbers.

Based on the Landlords' affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

### **Preliminary Matters**

The Landlords filed additional evidence on December 16, 2013, including an updated calculation for monetary loss due to damage to the rental unit. The Landlords sought to have this evidence considered as an "amendment" to their application filed October 9, 2013. I declined to consider this additional evidence or to amend the Landlords' original application because it was not amended in accordance with the Rules of Procedure and was not served upon the Tenant.

The Landlords remain at liberty to file an additional Application for Dispute Resolution against the Tenant for damages.

### **Issues to be Decided**

- Are the Landlords entitled to a Monetary Order, and if so, in what amount?

## **Background and Evidence**

### **The Landlords gave the following testimony:**

This tenancy began on September 1, 2011. Rent at the beginning of the tenancy was \$1,500.00 per month. The Tenant paid a security deposit and a pet damage deposit in the total amount of \$1,500.00 on August 19, 2011. Rent at the end of the tenancy was \$1,564.50. A copy of a Notice of Rent Increase dated July 31, 2012, and effective November 1, 2012, was provided in evidence.

The Tenant moved out of the rental unit pursuant to an order of possession that was granted on July 3, 2013, effective 1:00 p.m., October 31, 2013. The Landlords testified that the Tenant moved out on or before October 24, 2013 without returning the keys or leaving a forwarding address. The Tenant did not pay rent for the month of October, 2013, and the Landlords seek a monetary order for unpaid rent in the amount of \$1,564.50.

## **Analysis**

Based on the undisputed affirmed testimony of the Landlords and the documentary evidence provided, I find that the Landlords have established a monetary claim for unpaid rent in the amount of \$1,564.50.

Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security and pet damage deposits towards partial satisfaction of the Landlords' monetary award. No interest has accrued on the security deposit.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Unpaid rent	\$1,564.50
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,614.50
Less deposits	<u>- \$1,500.00</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF</b>	<b>\$114.50</b>

**Conclusion**

I hereby provide the Landlords with a Monetary Order in the amount of **\$114.50** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: January 16, 2014

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Residential Tenancy Branch

