



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 dealt with a landlord's application for a Monetary Order for unpaid rent and authorization to retain the security deposit. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Issue(s) to be Decided

Are the landlords entitled to a monetary Order for unpaid rent?
Are the landlords authorized to retain the security deposit?

Background and Evidence

The tenancy commenced November 15, 2011 and ended November 15, 2013. The tenant paid a security deposit of \$425.00. The tenant was required to pay rent of \$850.00 per month.

It was undisputed that during the tenancy the tenant failed to pay rent in the total sum \$4,050.00. The landlords produced a Statement of account showing non-payment of rent for the months of October 2012, December 2012, January 2013, June 2013 and a \$650.00 shortfall for the month of August 2013.

The landlords seek to retain the security deposit in partial satisfaction of the unpaid rent and obtain a Monetary Order for the outstanding balance, plus recovery of the filing fee. The tenant had no objection to the landlords' requests.

Analysis

Based upon the undisputed evidence presented to me, I find the landlords entitled to recover unpaid rent of \$4,050.00 from the tenant. I further award the landlords recovery of the filing fee paid for this application. I also authorize the landlords to retain the security deposit in partial satisfaction of the unpaid rent.

Provided to the landlords with this decision is a Monetary Order calculated as follows:

Unpaid rent	\$ 4,050.00
Filing fee	50.00
Less: security deposit	<u>(425.00)</u>
Monetary Order	\$ 3,675.00

To enforce the Monetary Order it must be served upon the tenant and it may be filed in Provincial Court (Small Claims) to enforce as an order of the court.

Conclusion

The landlords have been authorized to retain the tenant's security deposit in partial satisfaction of the unpaid rent and have been provided a Monetary Order for the balance of \$3,675.00 to serve and enforce as necessary.

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: February 05, 2014

Residential Tenancy Branch

