



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover their filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 9:42 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The female landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The female landlord (the landlord) and her daughter who assisted her during this hearing testified that the male landlord posted the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenants' door on January 2, 2014. They also testified that the male landlord, witnessed by his son, handed the tenants a copy of the landlords' dispute resolution hearing package at 4:26 p.m. on January 15, 2014. I am satisfied that the landlords served the tenants with the above documents in accordance with the *Act*.

At the commencement of this hearing, the landlord testified that the tenants vacated the rental unit by February 4, 2014. As such, she withdrew the landlords' application for an end to this tenancy and the issuance of an Order of Possession. The landlords' application for an Order of Possession is hereby withdrawn.

Issues(s) to be Decided

Are the landlords entitled to a monetary award for unpaid rent? Are the landlords entitled to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary award requested? Are the landlords entitled to recover the filing fee for this application from the tenants?

Background and Evidence

This periodic tenancy began on August 31, 2013. Monthly rent was set at \$750.00, payable in advance on the first of each month. The landlords continue to hold the tenants' \$375.00 security deposit paid on or about August 31, 2013.

The landlords applied for a monetary award of \$750.00 for unpaid rent owing from January 2014. The landlord testified that the tenants have not paid anything further to the landlords since the landlords issued their 10 Day Notice.

Analysis

Based on the undisputed sworn testimony provided by the landlord and her daughter, I find that the landlords are entitled to a monetary award of the \$750.00 in unpaid rent that they claimed for January 2014. I allow the landlords to retain the tenants' security deposit in partial satisfaction of this monetary award. No interest is payable over this period. I also allow the landlords to recover their \$50.00 filing fee from the tenants.

Conclusion

I issue a monetary Order in the landlords' favour under the following terms, which allows the landlords to recover unpaid rent owing from January 2014 and their filing fee, and to retain the tenants' security deposit:

Item	Amount
Unpaid January 2014 Rent	\$750.00
Less Security Deposit	-375.00
Recovery of Filing Fee for this Application	50.00
Total Monetary Order	\$425.00

The landlords are provided with these Orders in the above terms and the tenant(s) must be served with this Order as soon as possible. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court. The landlords' application for an Order of Possession is withdrawn.

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 28, 2014

Residential Tenancy Branch

