



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenants.

The Landlord's agent JM gave affirmed testimony at the Hearing.

JM testified that she personally delivered the Notice of Hearing documents to each of the Tenants, to their new address, on February 18, 2014.

Based on JM's affirmed testimony, I am satisfied that both of the Tenants were sufficiently served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Preliminary Matters

The Tenants have moved out of the rental unit and the Landlord has taken back possession. Therefore, the Landlord's application for an Order of Possession is dismissed.

The Landlord's Application for Dispute Resolution was amended to reflect the correct spelling of the female Tenant's middle name.

Issues to be Decided

- Is the Landlord entitled to a monetary award for unpaid rent?

Background and Evidence

The Landlord's agent JM gave the following testimony:

This tenancy began on October 1, 2013. Monthly rent was \$850.00, due the first day of each month. The Tenants paid a security deposit in the amount of \$425.00.

The Tenants did not pay rent when it was due on February 1, 2014. On February 5, 2014, JM served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenants' door at the rental unit. The Tenants have not paid any of the outstanding rent for February, 2014.

Analysis

I accept that JM served the Tenants with the Notice to End Tenancy by posting the Notice on the Tenants' door on February 5, 2014. I accept JM's undisputed affirmed testimony that the outstanding rent has not been paid. I find that the Landlord is entitled to a monetary award for unpaid rent in the amount of \$850.00 against the Tenants.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award.

The Landlord has been successful in her application and I find that she is entitled to recover the cost of the \$50.00 filing fee from the Tenants.

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

Unpaid rent for February, 2014	\$850.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$900.00
Less security deposit	<u>- \$425.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$475.00

Conclusion

I hereby grant the Landlord a Monetary Order in the amount of **\$475.00** for service upon the Tenants. 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: April 09, 2014

Residential Tenancy Branch

