



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPB; MNR; MNSD; FF

Introduction

This is the Landlords' Application for Dispute Resolution seeking an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of their monetary claim; and to recover the cost of the filing fee from the Tenant.

The Landlord SW gave affirmed testimony at the Hearing.

SW testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit. The Landlords provided the registered mail receipt and tracking numbers in evidence. The Tenant picked up the documents on July 6, 2015.

I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence. The teleconference remained open for 12 minutes.

SW testified that the Tenant moved out of the rental unit on or about July 26, 2015, and therefore she withdrew the Landlords' application for an Order of Possession.

Issues to be Decided

- Is the Landlord entitled to a monetary award for unpaid rent for the month of July, 2015?

Background and Evidence

SW gave the following testimony and evidence:

The tenancy agreement is a fixed term lease, beginning on April 1, 2015 and ending on June 30, 2015. Monthly rent was \$850.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$425.00.

The Tenant did not move out of the rental unit at the end of the lease and did not pay rent for the month of July, 2015.

Analysis

Based on SW's undisputed affirmed testimony, I find that the Tenant overheld and that the Landlords are entitled to their claim in the amount of **\$850.00**.

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

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.

The Landlords have established their monetary claim, calculated as follows:

July rent	\$850.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$900.00
Less security deposit	- \$425.00
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$475.00

Conclusion

I hereby grant the Landlords a Monetary Order in the amount of **\$475.00** 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: September 14, 2015

Residential Tenancy Branch

