



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not appear although both were served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on September 16, 2016. The landlord provided the tracking numbers for the registered mail packages and advised that both were returned to sender unopened on September 22, 2015.

At the outset of the hearing the landlord advised that the tenants had vacated the rental unit on or about September 8th and that an order of possession was no longer needed.

Issues

Is the party entitled to the requested orders?

Background and Evidence

This tenancy began on March 28, 2015. The rent was \$525 due in advance on the first day of each month. The tenant paid a security deposit of \$50.00 at the start of the tenancy.

The tenants did not pay rent for May, June or July after making numerous promises to do so. Then on July 24, 2015 the landlord served the tenants with a 10 Day Notice to End Tenancy for non-payment of rent. The tenants did not dispute the Notice or pay the rent as indicated on the Notice. The tenants then failed to pay the rent for August and September.

Analysis

The tenants were required both under the terms of the tenancy agreement and the Act to pay the rent on the due date. The tenants did not do that. Rather, the tenants paid one month of rent, only a portion of the security deposit, and then paid nothing for the months of May, June, July, August and September. The landlord is entitled to an order that the tenants pay the full amount of rent for that period.

Conclusion

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$2,625.00 for the outstanding rent for May through September. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,675.00. I order that the landlord retain the deposit and interest (\$0.00) of \$50.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,625.00. This order may be filed in the Small Claims Court 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: October 20, 2015

Residential Tenancy Branch

