



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order authorizing him to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing via registered letter mailed on October 5, 2015 and by personal service on October 16, the tenants did not participate in the conference call hearing.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on October 1, 2014 at which time the tenants paid a \$1,200.00 security deposit and the tenants vacated the rental unit on September 15, 2015. Near the end of the tenancy, the tenants entered into a written agreement with the landlord whereby they authorized him to retain the security deposit and promised to pay \$1,580.00 to the landlord to compensate him for rental arrears and unpaid utilities. The tenants paid \$500.00 on September 5, 2015 but have not made further payments. The landlord seeks to recover \$985.00 which has not been paid in addition to the \$50.00 filing fee paid to bring his application.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenants agreed in writing that the landlord could retain the security deposit and that they would pay him an additional \$1,580.00. I find that the tenants paid just \$500.00 of the amount they owed and that they still owe the landlord \$1,080.00 pursuant to their promissory note. The

landlord chose to pursue just \$985.00 of what is owed and I find he is entitled to that amount. I award the landlord \$985.00. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring his application and I award him \$50.00 for a total award of \$1,035.00. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted a monetary order for \$1,035.00 and will retain the security deposit.

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: December 07, 2015

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Residential Tenancy Branch

