



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      mnr, mnsd, ff

### Introduction

The landlord has applied for resolution of a dispute in the tenancy at the above noted address, and requests a Monetary Order and an order to retain the security deposit.

The tenants did not attend. I accept that the tenants were properly sent the hearing information, application and evidence, by registered mail, as permitted under the requirements of section 88 of the Residential Tenancy Act..

### Issues to be decided

I am asked to determine whether the tenants are liable for unpaid rent following the ending of this tenancy. If so, I am asked to order that the landlord retain the security deposit in partial satisfaction of such award.

### Background and Evidence

This fixed term tenancy originated March 15, 2015. An \$850.00 security deposit was paid. Monthly rent was \$2,000.00, payable on the first day of each month, but was discounted to \$1,700.00 if the tenants provided landscaping services. Such services were initially provided, but ceased effective September, 2015, and full rent was paid thereafter. Notice was provided by the tenants that they would vacate at the end of the term, on March 15, 2016. The tenants moved out March 15, 2016, but paid no rent for March.

### Analysis

The tenants were obligated to pay rent for the half month of March in which they rented and resided in the premises, and they failed to do so. They are found to owe the sum of \$1,000.00 to the landlord. As the landlord's claim in this regard is successful, the tenants must also pay the landlord's filing fee of \$100.00. The total sum awarded is \$1,100.00.

The landlord applies for an order to retain the security deposit. The deposit including accrued interest to the date of this hearing, totals \$850.00. As this sum is less than the award made, retention is appropriate.

### Conclusion

I order pursuant to section 38(1) that the full amount of the \$850.00 security deposit be retained by the landlord, in partial satisfaction of the monetary award noted above.

I further order that the remaining balance of the award due to the landlord, equalling \$250.00, be paid immediately by the tenants to the landlord.

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: August 16, 2016

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Residential Tenancy Branch