



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR FF

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for unpaid rent or utilities and to recover the cost of the filing fee.

The landlords attended the teleconference hearing and gave affirmed testimony. During the hearing the landlords were given the opportunity to provide their evidence orally. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlords testified that the Notice of Hearing, Application and documentary evidence were served on the tenant by registered mail on January 19, 2016 and that the package was successfully delivered and signed for on January 22, 2016. A tracking number referenced on the cover page of this decision was submitted in evidence. Based on the above, I find the tenant was successful served as of January 22, 2016, the date the registered mail package was signed for and delivered to the tenant.

Issue to be Decided

- Are the landlords entitled to a monetary order under the *Act*, and if so, in what amount?

Background and Evidence

A copy of the tenancy agreement was submitted in evidence. A fixed term tenancy began on April 1, 2015 and ended on September 30, 2015. Monthly rent in the amount of \$1,000.00 was due on the first day of each month. The tenant paid a security deposit of \$500.00 and a pet damage deposit of \$250.00 at the start of the tenancy, which the landlords continue to hold.

The landlord's monetary claim of \$2,000.00 is comprised of the following:

ITEM DESCRIPTION	AMOUNT CLAIMED
1. Unpaid August 2015 rent	\$1,000.00
2. Unpaid September 2015 rent	\$1,000.00
TOTAL	\$2,000.00

Regarding items 1 and 2, the landlords testified that the tenant failed to pay rent of \$1,000.00 for the months of August 2015 and September 2015 before vacating the rental unit on September 30, 2015.

Analysis

Based on the undisputed documentary evidence and the undisputed testimony of the landlords provided during the hearing, and on the balance of probabilities, I find the following.

As the tenant was deemed served with the Notice of Hearing, Application and documentary evidence and did not attend the hearing, I consider this matter to be unopposed by the tenant. As a result, and taking into account the tenancy agreement before me and the undisputed testimony, I find the landlords' claim for unpaid rent in the amount of **\$2,000.00** is fully successful. I find the tenant breached section 26 of the *Act* which requires a tenant to pay rent on the date that it is due in accordance with the tenancy agreement, which in the matter before me was the first day of each month.

As the landlords' application is successful, I grant the landlords the recovery of cost of the filing fee in the amount of **\$100.00**.

The landlords continue to hold the tenant's security deposit of \$500.00 and pet damage deposit of \$250.00 which has not accrued any interest to date.

I authorize the landlords to retain the tenant's full security deposit of \$500.00 and pet damage deposit of \$250.00 in partial satisfaction of the landlords' monetary claim. I grant the landlords a monetary order pursuant to section 67 of the *Act*, for the balance owing by the tenant to the landlords in the amount of **\$1,350.00**. This amount is comprised of \$2,000.00 in unpaid rent, plus the \$100.00 filing fee, less the \$500.00 security deposit and \$250.00 pet damage deposit.

Conclusion

The landlords' application is successful.

The landlords have been authorized to retain the tenant's full security deposit of \$500.00 and pet damage deposit of \$250.00 in partial satisfaction of the landlords' monetary claim. The landlords have been granted a monetary order pursuant to section 67 of the *Act*, for the balance owing by the tenant to the landlords in the amount of \$1,350.00 as described above. The landlords must serve the tenant with the monetary order and may enforce the monetary order in the Provincial Court (Small Claims Division).

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 26, 2016

Residential Tenancy Branch