



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MNSD, OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent, to retain the security deposit in partial satisfaction of the claim and to recover the filing fee from the tenants.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on September 22, 2016, the tenants did not appear. I find that the tenants have been duly served in accordance with the Act.

Preliminary matter

At the outset of the hearing, legal counsel indicated the tenants have vacated the rental premise and an order of possession is no longer required.

Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

Background and Evidence

The tenancy began on July 1, 2014. Rent in the amount of \$1,400.00 was payable on the first of each month. The tenants paid a security deposit of \$700.00.

Counsel for the landlord stated that the tenants failed to pay rent for August 2016 and September 2016. The landlord seeks to recover unpaid rent in the amount of \$2,800.00. Counsel stated that the tenants left a hand written note. The note indicated that the tenants were sorry that they could no longer afford the rent and would send money.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

- 26 (1) A tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

I find that the tenants have failed to pay rent under the Act and tenancy agreement for the months of August 2016 and September 2016 and this caused losses to the landlord. Therefore, I find the landlord is entitled to recover unpaid rent in the amount of **\$2,800.00**.

I find the landlord has established a total monetary claim of **\$2,900.00** comprised of the unpaid rent as described and the \$100.00 fee paid for their application. I authorize the landlord to retain the tenants' security deposit in partial satisfaction of the claim and the landlord is granted a formal order for the balance due of **\$2,200.00**.

Conclusion

The tenants failed to pay rent. The landlord is granted a monetary order for rent due, and may keep the security deposit in partial satisfaction of the claim. The landlord is granted a formal order for the balance due.

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: November 09, 2016

Residential Tenancy Branch