



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession, a monetary order for \$1100.00, and requesting recovery of the \$100.00 filing fee. The landlords are also requesting an order to retain the full security deposit towards this claim.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on January 19, 2017; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

The applicant testified that the tenants have already vacated the rental unit and therefore an Order of Possession is no longer required. The issue I dealt with, therefore, is whether or not the applicant has established monetary claim against the respondents, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on August 1, 2016 with a monthly rent of \$1100.00, and a security deposit of \$550.00 was paid on that same date.

The applicant further testified that the tenants failed to pay any rent for the month of January 2017 and yet they stayed in the rental unit right until January 31, 2017 when they vacated.

The applicant is therefore requesting a monetary order for the outstanding rent of \$1100.00, recovery of the \$100.00 filing fee, and requests an order to retain the deposit towards this claim.

Analysis

It is my finding that the landlord has shown that the tenants failed to pay any rent for the month of January 2017, even though they lived in the rental unit for that full month, and therefore I allow the landlords request for an order for the outstanding rent of \$1100.00.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

I have allow the landlords full claim of \$1200.00 and I therefore order, pursuant to section 38(4)(b) of the Residential Tenancy Act, that the landlord may retain the full security deposit of \$550.00, and, pursuant to section 67 of the Residential Tenancy Act, I have issued a monetary order for the respondents to pay \$650.00 to the applicants.

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: February 20, 2017

Residential Tenancy Branch