



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$4200.00, recovery of the \$100.00 filing fee, and requesting an order to retain the full security deposit towards the claim.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on September 20, 2016; however the respondent 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 has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not the applicants have established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicants testified that the tenant paid a security deposit of \$600.00 on August 31, 2015, and that the tenancy began on September 1, 2015.

The applicants further testified that the tenant vacated the rental unit on September 12, 2016 after having been served a 10 day Notice to End Tenancy on September 2, 2016.

The applicants further testified that during the tenancy the tenant failed to pay rent as follows:

October 2015 rent outstanding	\$1550.00
May 2016 rent outstanding	\$500.00
September 2016 rent outstanding	\$1550.00
Total	\$3600.00

The applicants are therefore requesting a monetary order for the outstanding rent and recovery of their \$100.00 filing fee, for a total of \$3700.00. They further request an order allowing them to retain the full security deposit of \$600.00 towards this claim.

Analysis

It is my finding that the applicants have shown that the monthly rent for this unit was \$1550.00.

I also accept the landlord sworn testimony that the tenant failed to pay rent as follows:

October 2015 rent outstanding	\$1550.00
May 2016 rent outstanding	\$500.00
September 2016 rent outstanding	\$1550.00
Total	\$3600.00

It is my decision therefore that I allow the landlords request for an order for that outstanding rent, and for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 67 and 72 of the Residential Tenancy Act I have allowed \$3700.00 of the applicants claim, and I therefore order that the applicants may retain the full \$600.00 security deposit, and I have issued a monetary order in the amount of \$3100.00.

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: March 15, 2017

Residential Tenancy Branch