



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a Monetary Order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, which lasted approximately 10 minutes. The landlords were represented by their agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), dated March 28, 2017 was served on the tenants by posting on the rental unit door on that day. In accordance with sections 88 and 90 of the *Act*, I find that the tenants were deemed served with the landlords' 10 Day Notice on March 31, 2017, three days after posting.

The landlord testified that the landlords' application for dispute resolution dated April 9, 2017 was served on the tenants by registered mail on April 14, 2017. Based on the landlord's testimony, I find that the tenants were deemed served with the landlords' application in accordance with sections 89 and 90 of the *Act* on April 19, 2017, five days after mailing.

At the outset of the hearing the landlord said that the tenants have vacated the rental unit and an Order of Possession is no longer sought. The landlords withdrew the portion of their application seeking an Order of Possession.

Issue(s) to be Decided

Are the landlords entitled to monetary compensation as claimed?

Are the landlords entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This month-to-month tenancy began in May, 2016. The rent was \$1,200.00 payable on the first of the month. A security deposit of \$6200.00 was paid by the tenants at the start of the tenancy and is still held by the landlords. The tenants vacated the rental unit in mid-April, 2017.

The landlord testified that at the time the 10 Day Notice was issued the tenancy was in arrears by \$2,400.00, the amount initially sought in the 10 Day Notice. The landlord testified that the tenant has made no subsequent payments and the total amount owing for the tenancy is \$3,600.00, the amount of rent for February, March and April, 2017.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenants did not attend. I find that the tenants were obligated to pay the monthly rent in the amount of \$1,200.00. I accept the landlord's undisputed evidence that the tenants failed to pay the rent for February, March and April, 2017 and the total amount of arrears for this tenancy is \$3,600.00. I issue a monetary award for unpaid rent of \$3,600.00 as at May 16, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlords' application was successful, the landlords are also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlords to retain the tenants' \$600.00 security deposit in partial satisfaction of the monetary award issued in the landlords' favour.

Conclusion

The portion of the application seeking an Order of Possession is withdrawn.

I issue a monetary order in the landlords' favour in the amount of \$3,100.00 under the following terms, which allows the landlords to recover unpaid rent for the months of February March, and April, and the filing fee for their application:

Item	Amount
Unpaid Rent February	\$1,200.00
Unpaid Rent March	\$1,200.00
Unpaid Rent April	\$1,200.00
Filing Fees	\$100.00
Less Security Deposit	-\$600.00
Total Monetary Order	\$3,100.00

The tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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: May 16, 2017

Residential Tenancy Branch