



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

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

- an Order of Possession for unpaid rent pursuant to section 55;
- a Monetary Order for unpaid rent pursuant to section 67;
- authorization to retain the security deposit pursuant to section 38; 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.

At the outset of the hearing the landlord said that a settlement was reached at the earlier hearing, under the file number on the first page of this decision, for some issues. An Order of Possession was issued in the previous hearing and is not being sought in this hearing. The landlord applied to amend their application for a monetary award, reducing the amount sought to \$7,600.00. Pursuant to section 64(3)(c) of the *Act* and Rule 4.2 of the Rules of Procedure, as I find reducing the monetary claim could be reasonably foreseen I amend the landlords' Application to decrease the landlords' monetary claim to \$7,600.00.

The landlord testified that the landlords' application for dispute resolution dated July 10, 2017 was sent to each of the tenants by registered mail on July 20, 2017. The landlord provided two Canada Post tracking numbers as evidence of service. I find that the tenants were served with the landlord's application for dispute resolution and evidence

package in accordance with sections 89 and 90 of the Act on July 25, 2017, five days after mailing.

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 tenant?

Background and Evidence

The landlord provided undisputed testimony. The monthly rent for this tenancy is \$2,100.00 payable on the first of the month. A security deposit of \$800.00 was paid by the tenants at the start of the tenancy and is still held by the landlords. The rental arrears for this tenancy for the period of January to June, 2017 is \$7,600.00. The rent for the months of July, August and September, 2017 has been dealt with in accordance with the settlement agreement arising from the previous hearing.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$2,100.00. I accept the landlords' undisputed evidence that the total amount of arrears for this tenancy is \$7,600.00. I issue a monetary award in the landlords' favour for unpaid rent of \$7,600.00 as at September 27, 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' security deposit of \$800.00 in partial satisfaction of the monetary award issued in the landlords' favour.

Conclusion

I issue a monetary order in the landlords' favour in the amount of \$6,900.00, which allows the landlords to recover unpaid rent and the filing fee for their application.

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: September 27, 2017

Residential Tenancy Branch