



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This hearing dealt with Landlord's March 22, 2023 Application for Dispute Resolution filed under the *Residential Tenancy Act* (Act) for an Order of Possession, a Monetary Order for unpaid rent and reimbursement of the filing fee.

As the Tenants did not attend this hearing, I asked the Landlord to demonstrate that the Tenants were notified of this proceeding and any evidence the Landlord intends to rely upon. The Landlord affirmed they served the Tenants by registered mail at the rental unit. I deem the Tenants received the notice of proceeding on April 16, 2023 and the supporting evidence on May 8, 2023, and proceeded with the hearing in their absence.

Preliminary Matter – Tenants have moved out

The Landlord advised the Tenants moved out in mid-April 2023 thus I dismiss the claim for an order of possession.

Issue(s) to be Decided

- Does the Tenant owe unpaid rent?
- Is the Landlord entitled to recover the filing fee?

Background and Evidence

The month-to-month tenancy started on September 25, 2022, with agreement of \$3000.00 monthly rent to be paid on the 5th day of each month. A security deposit of \$1500.00 and a pet damage deposit of \$300.00 were paid by the Tenants in September 2022 and the Landlord holds them in trust.

The Landlord reports unpaid rent in the amount of \$7500.00, from January 2023 to March 2023. The Landlord indicates the Tenants failed to pay \$1500.00 in January, and \$3000.00 per month for February and March 2023.

The Landlord provided the following evidence:

- Company accounting records for unpaid rent. The records indicate outstanding rent in the amount of \$7500.00.

Analysis

- Do the Tenants owe unpaid rent?

I accept the undisputed testimony and records of the Landlord and find the Tenants owe \$7500.00 in unpaid rent. The \$1800.00 deposits have accrued \$13.27 in interest, I order the landlord to retain the deposit of \$1813.27 in partial satisfaction of the unpaid rent.

- Is the Landlord entitled to recover the filing fee?

As the Landlord was successful with their application, the Landlord is entitled to recover their \$100.00 filing fee from the Tenants.

Conclusion

The Landlord is granted a monetary award of \$5786.73 ($\$7500.00 + \$100.00 - \$1813.27 = \5786.73). The Landlord should serve the order to the Tenants immediately. Should the Tenants fail to pay, the order may be enforced in the Small Claims division of Provincial 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 24, 2023