



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenants' security deposit in partial payment of those amounts. The Landlord withdrew her application for an Order of Possession as the tenancy had ended.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?
2. Is the Landlord entitled to keep the Tenants' security deposit?

Background and Evidence

This tenancy started on September 19, 2008 and ended on November 7, 2009 when the Tenants moved out. Under the tenancy agreement, rent was \$1,950.00 per month however the Landlord subsequently agreed to reduce the rent to \$1,500.00 per month effective January 1, 2009. The Tenants paid a security deposit of \$975.00 at the beginning of the tenancy.

The Landlord originally alleged there were rent arrears of \$10,610.00, however she later admitted that that amount was based on the rate of rent set out in the tenancy agreement and did not account for two payments made directly to the owner of the rental property. The Parties agree that there are current rent arrears of \$2,211.88.

Analysis

I find that the Landlord is entitled to recover rent arrears in the amount of \$2,211.88 and award her that amount. However, given that the actual amount of the rent arrears is substantially less than estimated by the Landlord when she filed her application, I award her only one-half of the filing fee for this proceeding or \$50.00. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenants' security deposit plus accrued interest in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as follows:



Dispute Resolution Services

Page: 2

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Rent arrears:	\$2,211.88
Filing fee:	<u>\$50.00</u>
Subtotal:	\$2,261.88
Less: Security deposit:	(\$975.00)
Accrued interest:	<u>(\$4.20)</u>
Balance owing:	\$1,282.68

Conclusion

A monetary order in the amount of **\$1,282.68** has been issued to the Landlord and a copy of it must be served on the Tenants. If the amount of the Order is not paid by the Tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: December 11, 2009.

Dispute Resolution Officer