



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenants for the cost of this Application for Dispute Resolution. The Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to each Tenant via registered mail at the rental unit on October 24, 2010. Canada Post documentation submitted in evidence corroborates this statement. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however neither Tenant appeared at the hearing.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent, in the amount of \$1,900.00; to keep all or part of the security deposit; and to recover the filing fee from the Tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The Agent for the Landlord stated that this tenancy began on February 15, 2009; that the Tenants were required to pay monthly rent of \$950.00 on the first day of each month; and that the Tenants paid a security deposit of \$475.00, all of which is corroborated by the tenancy agreement that was submitted in evidence.

The Agent for the Landlord stated that the Tenants did not pay any rent for September or October of 2010.

The Agent for the Landlord stated that each Tenant was served with a Ten Day Notice to End Tenancy for Unpaid Rent, which had a declared effective date of October 14, 2010, by registered mail on October 02, 2010. The Agent for the Landlord stated that he believes the Tenants vacated the rental unit on November 02, 2010

### Analysis

I find that the Tenants entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$950.00 on the first day of each month. Section 26(1) of the *Act* requires tenants to pay rent to their landlord.

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants have not paid rent for September or October of 2010. As they are required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenants must pay \$1,900.00 in outstanding rent to the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

### Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,950.00, which is comprised of \$1,900.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Pursuant to section 72(2) of the *Act*, I hereby authorize the Landlord to retaining the Tenants' security deposit of \$475.00 in partial satisfaction of the monetary claim.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$1,475.00. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims 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: November 18, 2010.

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Dispute Resolution Officer