



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes – OPR, MNR, MNSD, FF

Introduction

This matter dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent.

The hearing was conducted via teleconference and was attended by the landlord only.

At the outset of the hearing the landlord confirmed the tenants moved out of the rental unit on the weekend and as such the landlord no longer requires an order of possession. I amend the landlord's application to exclude the matters related to obtaining an order of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for 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 landlord testified the tenancy began as a month to month tenancy on September 1, 2010 although the tenants did not move in until September 6, 2010 for the monthly rent of \$650.00 due on the 1st of each month and a security deposit of \$325.00 and a pet damage deposit of \$325.00 were paid; and

The landlord provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on September 26, 2010 with an effective vacancy date of October 6, 2010 due to \$575.00 in unpaid rent.

Testimony provided by the landlord indicates that the tenant failed to pay the full rent owed for the months of December 2010 and January 2011.

Analysis

In the absence of any evidence or testimony from the tenants I accept the landlord's testimony that the tenants failed to pay full rent for the month of December leaving a

balance owing of \$287.13 and that the tenants subsequently failed to pay rent for January 2011 in the amount of \$650.00.

Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$987.13** comprised of \$937.13 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit, pet damage deposit and interest held in the amount of \$650.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$337.13**. This order must be served on the tenants and may be filed in the Provincial Court (Small Claims) 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: January 18, 2011.

Residential Tenancy Branch