



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy and a cross-application by the landlords for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been duly served with the landlords' application for dispute resolution and notice of hearing, the tenants did not participate in the conference call hearing.

At the hearing the landlords advised that the tenants had vacated the rental unit and they withdrew their claim for an order of possession. The hearing proceeded to address solely the landlords' monetary claim.

### Issue to be Decided

Are the landlords entitled to a monetary order as claimed?

### Background and Evidence

The landlords' undisputed evidence is as follows. The tenants were obligated to pay \$1,950.00 per month in rent. In the month of October, the tenants paid just \$1,000.00 of the rent owing. The landlords seek a monetary order for the rental arrears as well as the \$50.00 filing fee paid to bring this application.

### Analysis

As the tenants did not participate in the hearing to advance their claim, the claim is dismissed without leave to reapply.

I accept the landlords' undisputed evidence and find that the tenants failed to pay \$950.00 of the rent due for the month of October. I award the landlords \$1,000.00 which represents the rental arrears and the \$50.00 filing fee, which I find they are entitled to recover. I order the landlords to retain the \$900.00 security deposit in partial

satisfaction of the award and I grant them a monetary order under section 67 for the balance of \$100.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenants' claim is dismissed. The landlords are granted a monetary order for \$100.00 and may retain the security deposit.

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 03, 2011

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Residential Tenancy Branch