



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67; and
- b) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

The tenants did not attend the hearing. The landlord gave sworn evidence that she served the Application for Dispute Resolution by registered mail. It was verified online that delivery was attempted, notices were left but after 16 days, it was returned to the sender. I find the tenant is deemed to be served with the application according to section 89 of the Act.

### **Issue(s) to be Decided:**

Is the landlord entitled to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

The tenant did not attend but is deemed to be served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. She said that the tenancy commenced in August 2009, a security deposit of \$900 was paid and rent was \$1800 a month, although reduced for a time because of the circumstances of the tenants. On July 31, 2011, the tenants vacated after being given a Notice to End Tenancy for unpaid rent. When they left, there were rent and utility arrears of \$15,832.34 as the tenants had experienced some business setbacks.

The landlord said the tenants have been attempting to repay the debt but the section 60 limitation period of two years to obtain an enforceable monetary order is expiring so she brought this Application to obtain a monetary order for the outstanding balance. She gave an accounting as follows: Of the \$15,832.34, the tenants have repaid \$5400 and

she has a further four post dated cheques for \$500 each which totals another \$2000. She still has the \$900 security deposit in trust.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

### **Analysis**

I find the landlord brought this application within the time limit as set out in section 60 of the Act as the application was filed on June 24, 2013 and the tenancy ended on July 31, 2011. I find that there are rental arrears in the amount of \$8432.34 remaining and from this must be deducted the security deposit which the landlord has in trust.

### **Conclusion:**

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

#### Calculation of Monetary Award:

Arrears owed on July 31, 2011	15,832.34
Filing fee	100.00
Less Payments made	-5400.00
Less Post dated cheques (4x\$500)	-2000.00
Less security deposit (no interest 2009-13)	-900.00
Balance in monetary order to landlord	7,632.34

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: August 28, 2013

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Residential Tenancy Branch