



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            OPB, MNR, MNSD, FF

### Introduction

On November 2, 2016, the Landlord submitted an Application for Dispute Resolution for an order of possession; for a monetary order for unpaid rent or utilities; and to keep all or part of the security deposit in partial satisfaction of the monetary claim. The matter was set for a conference call hearing.

The Landlord attended the teleconference hearing; however, the Tenants did not. The Landlord provided affirmed testimony that she served the Tenants with the Application for Dispute Resolution and Notice of Hearing, by Canada Post Registered Mail. A Canada Post receipt and tracking number was provided as evidence of service.

The Landlord testified that she contacted the Tenant, R.H on November 4, 2016, and he advised her of his Post Office box number. The Landlord sent the Notice of Hearing to the address provided by the Tenant.

The Landlord also testified that she served the Tenant, K.H. in person with the Notice of Hearing at her workplace on December 2, 2016, at 4:45 pm.

I find that the Tenant's have been duly served with the Notice of Hearing in accordance with the Act.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

### Preliminary and Procedural Matters

The Landlord testified that the Tenants have moved out of the rental unit and she does not require an order of possession. The Landlord is only seeking a monetary order for unpaid rent and to keep the security deposit.

### Issues to be Decided

- Is the Landlord entitled to a monetary order for unpaid rent?
- Is the Landlord entitled to keep the security deposit in partial satisfaction of her claim?

### Background and Evidence

The Landlord testified that the tenancy was a 1 year fixed term that began on June 1 2015, until June 1, 2016, and continued thereafter as a month to month tenancy. Rent in the amount of

\$600.00 was payable on the first day of each month. The Tenants paid the Landlord a security deposit of \$300.00

The Landlord testified that the Tenants owe the Landlord \$800.00 for unpaid rent. The Landlord testified that the Tenants owe \$200.00 for October 2016, rent and \$600.00 for November 2016, rent.

The Landlord seeks to keep the security deposit of \$300.00 towards the claim of \$800.00 of unpaid rent.

### Analysis

Based on the evidence before me, the unopposed testimony of the Landlord, and on a balance of probabilities, I find that that the Tenants were served with the Notice of hearing and failed to attend the hearing. I find that the Tenants owe the Landlord \$800.00 for unpaid rent.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenants to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

I authorize the Landlord to keep the security deposit in partial satisfaction of the rent owing.

I find that the Landlord has established a total monetary claim of \$900.00 comprised of \$800.00 in unpaid rent for the above mentioned dates and the \$100.00 fee paid by the Landlord for this hearing.

After setting off the security deposit of \$300.00, I grant the Landlord a monetary order in the amount of \$600.00. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

### Conclusion

The Tenants failed to pay the Landlord the rent that was owed under the tenancy agreement.

The Landlord is granted a monetary order for the unpaid rent and the cost of the filing fee in the amount of \$600.00.

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 21, 2016

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Residential Tenancy Branch

