



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Landlords under the *Residential Tenancy Act* (the “Act”), for a Monetary Order for unpaid rent and other money owed, recovery of the filing fee, retention of the security deposit, and for an Order of Possession.

The hearing was convened by telephone conference call and was attended by the Landlords, both of whom provided affirmed testimony. The Tenants did not attend. The Landlords were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

The Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) state that the Respondents must be served with a copy of the Application and Notice of Hearing. As the Tenants did not attend the hearing, I confirmed service of documents as explained below.

The Landlords testified that the Application and Notice of Hearing were personally served on the Tenants on September 15, 2017. As there is no evidence to the contrary, I find that the Tenants were personally served these documents on September 15, 2017.

At the request of the Landlords, copies of the Decision and any resulting Orders will be e-mailed to them at the address provided in the hearing.

I have reviewed all evidence and testimony before me that meets the requirements of the Rules of Procedure; however, I refer only to the relevant facts and issues in this decision.

### Preliminary Matters

At the outset of the hearing that Landlords withdrew their Application for an Order of Possession as the Tenants moved out of the rental unit on November 1, 2017, at 2:30 P.M. The Landlords also withdrew their Application for monetary loss or other money owed. I accept the Landlords' withdrawal of these Applications and they remain at liberty to reapply, should they wish to do so.

### Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession for unpaid rent or utilities pursuant to sections 46 and 55 the *Act*?

Are the Landlords entitled to a Monetary Order for unpaid rent or utilities and recovery of the filing fee pursuant to sections 67 and 72 of the *Act*?

Are the Landlords entitled to retain the security deposit paid by the Tenants to offset any money owed by the Tenants to the Landlords pursuant to section 72 of the *Act*?

### Background and Evidence

The Landlords testified that the tenancy began December 1, 2016, and that rent in the amount of \$1,300.00 is due on the first day of each month. The Landlords also testified that a security deposit and a pet deposit were paid by the Tenants at the start of the tenancy in the amount of \$650.00 each, which the Landlords still hold.

The Landlords testified that the Tenants moved out on November 1, 2017, and that as of the date of the hearing, they owe \$4,375.00 in rent; \$450.00 for July, and \$1,300.00 each month for August-October, 2017. The Landlords stated that although they originally sought the recovery of November rent in their Application, as the Tenants have moved out and the rental unit has been re-rented, they are no longer seeking any rent for November 2017.

### Analysis

I accept the Landlords' undisputed testimony that as of the date of the hearing, the Tenants owed \$4,375.00 in outstanding rent.

Pursuant to section 72 of the Act, the Landlords are entitled to the recovery of the \$100.00 filing fee and to retain, in full, both the security deposit and the pet damage deposit paid by the Tenants in order to offset the above noted amounts. Based on the foregoing, the Landlords are therefore entitled to a Monetary Order in the amount of \$3,150.00; \$4,475.00, less the \$1,300.00 paid by the Tenants for the security deposit and the pet damage deposit.

### Conclusion

Pursuant to sections 67 and 72 of the *Act*, I grant the Landlords a Monetary Order in the amount of \$3,150.00. The Landlords are provided with this Order in the above terms and the Tenants must be served with **this Order** as soon as possible. Should the Tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial 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 17, 2017

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Residential Tenancy Branch