



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MNRLS FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order of possession pursuant to section 55;
- A monetary order for damages and loss pursuant to section 67; and
- Authorization to recover the filing fees pursuant to section 72.

The tenants did not attend this hearing which lasted approximately 15 minutes. The landlord was represented by their agent (the "landlord") who was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing the landlord said the tenants vacated the rental unit on or about October 1, 2018 and withdrew the portions of the application seeking an order of possession.

The landlord testified that their notice of application and evidence was served on the tenants by registered mail sent on September 21, 2018 as well as in person to one of the respondents who accepted service on behalf of all the respondents at the rental unit address. The landlord provided a Canada Post tracking number as evidence of service. Based on the undisputed evidence I find that the application and evidence was served on the tenants in accordance with sections 88 and 89 of the Act.

Issue(s) to be Decided

Is the landlord entitled to a monetary award as claimed?

Is the landlord entitled to recover the filing fee for their application?

Background and Evidence

The landlord gave undisputed evidence regarding the following facts. The landlord took over this tenancy when they purchased the rental property in April, 2018. The monthly rent was \$2,150.00 payable on the first of each month. A security deposit of \$750.00 was on hand and is still held by the landlord. The tenants failed to pay rent for the months of August and September, 2018 and vacated the rental unit in October, 2018. The landlord testified that the arrears for this tenancy is \$4,300.00.

Analysis

I accept the landlord's undisputed evidence that the tenants failed to pay rent for the months of August and September, 2018. I find that the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent for the rental arrears. I accept the undisputed evidence that rent is \$2,150.00. I accept the evidence that the total arrears for this tenancy is \$4,300.00. Accordingly, I issue a monetary award in the landlord's favour in the amount of \$4,300.00 for unpaid rent as at November 1, 2018, the date of the hearing, pursuant to section 67 of the Act.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain the tenants' security deposit of \$750.00 in partial satisfaction of the monetary award issued in the landlord's favour.

Conclusion

I issue a monetary order in the landlord's favour in the amount of \$3,650.00 under the following terms, which allows the landlords to recover unpaid rent and the filing fee for their application:

Item	Amount
Unpaid Rent August	\$2,150.00
Unpaid Rent September	\$2,150.00
Filing Fee	\$100.00
Less Security Deposit	-\$750.00
Total Monetary Order	\$3,650.00

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 1, 2018

Residential Tenancy Branch