



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent / loss of rental income, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear. As the tenant is understood to have vacated the unit in early July 2009, the landlord withdrew the earlier application for an order of possession.

Issue to be decided

- Whether the landlord is entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of tenancy was from April 1, 2009 to March 31, 2010. Rent in the amount of \$575.00 was due on the first day of the month, and a security deposit of \$287.50 was collected on March 15, 2009.

As a result of the tenant's failure to pay rent for the month of May 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 6, 2009. The notice was served by posting on the tenant's door on that same date. Subsequently, the tenant paid no rent for the months of May or June 2009, and vacated the unit without notice and without providing a forwarding address in early July 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 6, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice.

As for the monetary order, I find that the landlord has established a claim of \$1,250.00. This is comprised of \$575.00 in unpaid rent for May, \$575.00 in unpaid rent for June, 2 fees totaling \$50.00 for the late payment of rent (2 x \$25.00), and recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit of \$287.50 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$962.50 (\$1,250.00 – \$287.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$962.50**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: July 9, 2009

Dispute Resolution Officer