

Decision

Dispute Codes: MNR, MND, FF

Introduction

This hearing dealt with an application from the landlord a monetary order as compensation for unpaid rent, compensation for damage to the unit, in addition to 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.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on June 1, 2008. Rent in the amount of \$597.00 was payable in advance on the first day of each month. No security deposit was collected. A move-in condition inspection and report were completed by the parties on June 9, 2008.

Arising from rent which was not paid in full when due on December 1, 2008, the landlord issued a 10 day notice to end tenancy for unpaid rent dated December 9, 2008. The tenant did not pay the outstanding rent and is thought to have vacated the unit sometime during December 31, 2008. The tenant did not provide a forwarding address and a move-out condition inspection and report were completed on December 31, 2008 without the tenant's participation.

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 December 9, 2008. The tenant did not pay the outstanding rent or file for dispute resolution within 5 days of receiving 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 \$1,239.94. This is comprised of \$221.00 in unpaid rent for December 2008, \$968.94 for costs arising from cleaning and miscellaneous repairs to the unit, in addition to recovery of the \$50.00 filing fee. I therefore grant the landlord a monetary order under section 67 of the Act for \$1,239.94.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1,239.94**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 8, 2009

Dispute Resolution Officer