

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent and utilities, retention of the security deposit, and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

The application for dispute resolution and notice of hearing package were sent by registered mail. While the tenant did not take delivery of the package, pursuant to sections 89 and 90 of the Act, the tenant is deemed to have been served.

As the tenant has vacated the unit the landlord withdrew the earlier application for an order of possession.

Issues to be decided

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

Background and Evidence

There is no written residential tenancy agreement in place for this tenancy which began on August 3, 2009. Rent in the amount of \$650.00 was payable in advance on the first day of each month, in addition to a 40% share of the cost of utilities. A security deposit of \$325.00 was collected on August 3, 2009.

Arising from rent and utilities which were unpaid when due on October 1, 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent and utilities dated October 13, 2009. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant made no payments toward rent or utilities, and left the unit on or about November 15, 2009 without providing a forwarding address. A new renter has been found effective December 15, 2009.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent and utilities dated October 13, 2009. The tenant did not pay the outstanding rent or utilities within 5 days of receiving the notice, did not apply to dispute the notice, and has now vacated the unit.

As for the monetary order, I find that the landlord has established a claim of \$1,484.79. This is comprised of \$1,300.00 in total unpaid rent for October & November (2 x \$650.00), \$134.79 in total unpaid utilities (September: \$17.40, October: \$61.51, November: \$55.88) in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$325.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,159.79 (\$1,484.79 – \$325.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1,159.79**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 4, 2009

Dispute Resolution Officer