

Decision

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the landlord(s) for a monetary order as compensation for unpaid rent, 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 vacated the unit effective on or about April 30, 2010, the landlord(s) withdrew the earlier application for an order of possession.

Issues to be decided

- Whether the landlord(s) are entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from May 1, 2007 to April 30, 2008. Thereafter, tenancy continued on a month-to-month basis. Rent in the amount of \$1,500.00 was payable in advance on the first day of each month. A security deposit of \$725.00 was collected on or about April 30, 2007.

Arising from rent which was unpaid for February and March 2010, the landlord(s) issued a 10 day notice to end tenancy for unpaid rent dated March 10, 2010. The notice was served on the tenant by way of registered mail. A copy of the notice was submitted into evidence. Subsequently, the tenant made no further payment toward rent and vacated the unit without notice on or about April 30, 2010, without providing a forwarding address. New renters were found effective May 15, 2010.

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 March 10, 2010. 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 earlier stated, the tenant vacated the unit on or about April 30, 2010.

As for the monetary order, I find that the landlord(s) have established a claim of \$4,550.00. This is comprised of \$4,500.00 in unpaid rent combined for February, March and April (3 x \$1,500.00), in addition to the \$50.00 filing fee. I order that the landlord(s) retain the security deposit of \$725.00, plus interest of \$18.32 (total: \$743.32), and I grant the landlord(s) a monetary order under section 67 of the Act for the balance owed of \$3,806.68 (\$4,550.00 - \$743.32).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord(s) in the amount of **\$3,806.68**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: May 11, 2010

Dispute Resolution Officer