

## **Decision**

**Dispute Codes:** MNR, MNDC, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent, compensation for damage or loss under the Act, regulation or tenancy agreement, retention of the security and pet damage deposits combined, and recovery of the filing fee. As the tenants have vacated the unit, the landlord withdrew the earlier application for an order of possession.

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 tenants did not appear.

### **Issues to be decided**

- Whether the landlord is entitled to any of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on June 1, 2009. Rent in the amount of \$750.00 was payable in advance on the first day of each month. A security deposit of \$375.00 and a pet damage deposit of \$375.00 were both collected on or about May 27, 2009. A move-in condition inspection and report were completed on June 1, 2009.

Arising from rent and utilities which were unpaid when due on April 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated April 7, 2010.

The notice was served by posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants made no further payment towards rent or utilities before vacating the unit without notice in late April or

early May 2010. The landlord completed a move-out condition inspection and report in the absence of the tenants on May 6, 2010. The tenants did not provide the landlord with a forwarding address, and the unit presently still remains vacant.

### **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent or utilities dated April 7, 2010. The tenants did not pay the outstanding rent or utilities within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter the tenants vacated the unit without providing the landlord with a forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$1,663.46. This is comprised as follows:

\$1,500.00: unpaid rent combined for the months of April & May (2 x \$750.00);

\$25.00: fee assessed for late payment of rent for April;

\$47.18: hydro; \$41.28: gas; \$50.00: filing fee.

I order that the landlord retain the security deposit and the pet damage deposit combined of \$750.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$913.46 (\$1,663.46 - \$750.00).

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$913.46**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: June 4, 2010

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Dispute Resolution Officer