



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; damage or loss under the Act, regulations or tenancy agreement; authorization to retain the security deposit; and, recovery of the filing fee. The tenants did not appear at the hearing. The landlord provided registered mail receipts to show that each of the three tenants were served with notification of this hearing and the landlords' Application for Dispute Resolution. The landlord testified that a search of the tracking numbers showed that two of the tenants received the registered mail and one of the tenants refused the registered mail. I was satisfied the tenants were sufficiently notified of this proceeding in a manner that complies with section 89 of the Act and I proceeded to hear from the landlord without the tenants present.

I also heard that only one of the tenants was served with the landlord's evidence package as the landlord was only able to contact one of the tenants after they vacated the rental unit. I accepted the landlord's evidence package and considered it in making this decision.

Having heard the tenants have vacated the rental unit an Order of Possession is no longer required and I do not provide one with this decision. The landlord requested an amendment to the landlords' Application for Dispute Resolution to reduce the monetary claim and withdraw the landlords' request to retain the security deposit. I found these requests did not prejudice the tenants and I granted the landlord's request for amendment.

Documentary evidence considered in making this decision are copies of the tenancy agreement Notices to End Tenancy for Unpaid Rent issued in July, August and September 2010; the landlord's list of rent payments and bank statements.

Issues(s) to be Decided

Has the landlord established an entitlement to a Monetary Order for unpaid rent?

Background and Evidence

I was provided undisputed evidence as follows. The month-to-month tenancy was set to commence April 1, 2010 for a monthly rent of \$1,175.00 due on the 1<sup>st</sup> day of every month. The rental unit was not vacated by the former tenant until April 2, 2010 and the parties agreed the tenants would pay half of the rent for April 2010. The tenants paid a \$587.50 security deposit on April 5, 2010. The tenants usually made partial payments for rent and the landlord had served the tenants with 10 Day Notice to End Tenancy for Unpaid Rent in July, August and September 2010. The three co-tenants vacated the rental unit at different times between early September and late September 2010.

The landlord initially requested compensation of \$2,615.00 for unpaid rent and loss of rent in making the application. The landlord's amended monetary claim is as follows:

Unpaid rent – August 2010	\$ 378.83
Unpaid rent – September 2010	<u>1,175.00</u>
Total amended claim	\$ 1,553.83

The landlord explained that she wished to withdraw her request to retain the security deposit as the tenants have left the unit very unsanitary and abandoned possessions in the rental unit. The landlord confirmed that she has not yet received a forwarding address in writing from the tenants and the landlord will hold the security deposit in trust

to be administered in accordance with the Act. Accordingly, I granted the landlord's request to withdraw the request for retention of the security deposit made when this application was filed.

### Analysis

Tenants must pay rent when due in accordance with the tenancy agreement. The landlord provided a detailed list of payments and bank statements to establish the payments actually received from the tenants. Upon review of the evidence, I am satisfied that the landlord has established that the tenants failed to pay \$1,553.83 in rent for August 2010 and September 2010. Therefore, I grant the landlord's request to recover \$1,553.83 for unpaid rent from the tenants.

I award the filing fee to the landlords and provide the landlords with a Monetary Order for the total amount of \$1,603.83 to serve upon the tenants.

### Conclusion

The landlords were successful in this application and have been provided a Monetary Order in the amount of \$1,603.83 to serve upon the tenants.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 07, 2010.

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Dispute Resolution Officer