

Decision

Dispute Codes: OPR / OPB, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. As the tenants have now vacated the unit, the landlord withdrew the application for an order of possession.

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 or all 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 May 1, 2005. At the time when tenancy ended in September 2010, monthly rent of \$884.00 was payable in advance on the first day of each month. A security deposit of \$410.00 was collected on April 25, 2005.

Arising from rent which was in arrears over several months, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 4, 2010. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants failed to pay the full amount of rent

owed, and vacated the unit sometime during the period from September 17 to 20, 2010 without providing a forwarding address.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated August 4, 2010. The tenants did not pay the full amount of outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, the tenants vacated the unit without providing a forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$3,676.00, which is comprised as follows:

\$40.00: unpaid rent for May 2010

\$3,536.00: unpaid rent combined for June, July, August & September 2010 (4 x \$884.00)

\$100.00: filing fee

Total: \$3,676.00

I order that the landlord retain the security deposit of \$410.00, plus interest of \$14.51 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$3,251.49 (\$3,676.00 - \$424.51).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,251.49**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: October 14, 2010

Dispute Resolution Officer