

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order as compensation for unpaid rent, retention of the security & pet damage deposits, and recovery of the filing fee. The landlord 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 subsequent to the landlord's filing of the application, the landlord withdrew the aspect of the application concerning an order of possession. Further, as the landlord undertook herself to clean the unit and otherwise prepare it for new renters, the aspect of the original application in regard to compensation for "damages" was also withdrawn.

Issues to be decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the 2 year fixed term of tenancy was from January 1, 2010 to December 31, 2011. Rent in the amount of \$1,450.00 was payable in advance on the first day of each month. A security deposit of \$725.00 and a pet damage deposit of \$275.00 were collected at the outset of tenancy. A move-in condition inspection and report were completed on January 5, 2010.

Arising from rent which was unpaid when due for each of the 4 months of March, April, May and June 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 12, 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. Despite efforts to schedule a mutually agreeable time to complete a move-out condition inspection and report, the tenant vacated the unit on or about July 3, 2010 without notice to the landlord. Following this, the landlord was able to find new renters effective July 15, 2010.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 12, 2010. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, as previously noted, the tenant vacated the unit. The tenant informed the landlord of her forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$6,625.00. This is comprised of \$5,800.00 in unpaid rent combined for the 4 months of March, April, May and June 2010, as well as \$725.00 in unpaid rent for the period from July 1 to 14, 2010, and recovery of the \$100.00 filing fee. I order that the landlord retain the security deposit of \$725.00 and the pet damage deposit of \$275.00 (total: \$1,000.00), and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$5,625.00 (\$6,625.00 - \$1,000.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$5,625.00. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: November 17, 2010

Dispute Resolution Officer