

## **DECISION**

Dispute Codes      OPR, MNDC, MNR, MNSD, FF

### Introduction

This is an application by the Landlord for an order of possession for unpaid rent resulting from a 10 day notice to end tenancy for unpaid rent or utilities, a monetary order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to keep the security deposit and the recovery of the filing fee.

The Landlord appeared by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

At the beginning of the hearing, the Landlord states that the Tenant vacated the rental unit on October 30, 2010 and has successfully re-rented the unit on November 15, 2010 and as such is no longer seeking an order of possession.

### Issues(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

This tenancy began on September 1, 2009 and ended on October 30, 2010. The monthly rent was \$800.00 and the Tenant paid a security deposit of \$400.00 at the beginning of the tenancy. A 10 day notice to end tenancy was served on the Tenants on September 8, 2010 with a move out date of September 18, 2010. The 10 day notice displayed a \$1,600.00 amount of unpaid rent. The Landlord states that \$800.00 rent for each of the months August, September and October remain unpaid for a total of \$2,400.00. The hearing documents were served by registered mail on October 22, 2010 from the Landlord's amended application submitted to the RTB on October 19,

2010. The Landlord was able to mitigate his loss by re-renting on the unit on November 15, 2010.

### Analysis

Based upon the undisputed affirmed testimony of the Landlord, I am satisfied that the 10 day notice to end tenancy and the hearing documents were properly served. I find that the Landlord has established a claim for unpaid rent for August through to October at \$800.00 per month for a total of \$2,400.00. I award the loss of November rent in the amount of \$400.00 for half of the month. The Landlord was able to recover by re-renting on November 15, 2010. As the Landlord has been successful in his application I order the recovery of the \$50.00 filing fee. The Landlord has established a total claim for \$2,850.00. I order that the Landlord retain the \$400.00 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$2,450.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted a monetary order for \$2,450.00.

The Landlord may retain the security deposit.

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: November 16, 2010.

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Dispute Resolution Officer