

Decision

Dispute Codes: MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order as compensation for unpaid rent, retention of the security deposit, and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing by way of posting on the tenant's door on October 22, 2010, the tenant did not appear.

As the tenant vacated the unit subsequent to the landlord's issuance of a notice to end tenancy, the landlord withdrew the application for an order of possession.

Issues to be decided

- Whether the landlords are entitled to any or all of the above under the Act

Background and Evidence

There is no written tenancy agreement in evidence for this month-to-month tenancy which began in approximately May 2010. Rent in the amount of \$1,400.00 was due and payable in advance on the first day of each month. A security deposit of \$700.00 was collected at the outset of tenancy.

Arising from rent in the amount of \$700.00 which remained unpaid when due on October 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 5, 2010. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant made no further payment toward rent and vacated the unit at some stage without notice to the landlords.

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 October 5, 2010. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. As earlier stated, the tenant then vacated the unit.

As for the monetary order, I find that the landlords have established a claim of \$750.00. This is comprised of \$700.00 in unpaid rent, in addition to the \$50.00 filing fee. I order that the landlords retain the security deposit of \$700.00, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$50.00.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$50.00**. 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 18, 2010

Dispute Resolution Officer