

Decision

Dispute Codes: MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with the landlord's application for 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 tenant vacated the unit subsequent to the landlord's filing of this application, the landlord withdrew the aspect of the application concerning an order of possession.

Despite being served in person on December 22, 2010 with the application for dispute resolution and notice of hearing, the tenant 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 November 4, 2010. Rent of \$800.00 was payable in advance on the first day of each month, and a security deposit of \$400.00 was collected at the outset of tenancy. A move-in condition inspection and report were completed on November 4, 2010.

The landlord issued a 1 month notice to end tenancy for cause dated November 25, 2010. Following this, arising from rent which was unpaid when due on December 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated December 2, 2010. The 10 day notice was served in person on the tenant 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 on an unknown date by

December 31, 2010. The tenant left considerable damage behind in the unit before vacating, and provided no forwarding address to the landlord. While the landlord offered the tenant 2 opportunities for completing a move-out condition inspection in writing on December 10, 2010, the tenant did not respond.

The landlord's agent stated that cleaning and repairs required in the unit have not yet been completed and that, after such time as they have been completed, the landlord will commence advertising for new renters.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established a claim of \$1,650.00. This is comprised of \$800.00 in unpaid rent for December 2010, \$800.00 in loss of rental income for January 2011, and recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit of \$400.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,250.00 (\$1,650.00 - \$400.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of \$1,250.00. 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: January 14, 2011

Dispute Resolution Officer