

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. Despite being served by way of registered mail with the application for dispute resolution and the notice of hearing (the "hearing package"), the tenants did not appear. Evidence submitted by the landlord's agent includes the Canada Post tracking number for registered mailing of the hearing package.

As the tenants have vacated the unit, the landlord's agent withdrew the request for an order of possession which was included in the original application.

Issues to be decided

- Whether the landlord(s) 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 original fixed term of tenancy was from March 1, 2009 to February 28, 2010. Thereafter, tenancy has continued on a month-to-month basis. Monthly rent of \$850.00 was payable in advance on the first day of each month. A security deposit of \$425.00 was collected on February 10, 2009.

Arising from rent which remained overdue on December 1, 2010, the landlord(s) issued a 10 day notice to end tenancy for unpaid rent dated December 2, 2010. The notice was posted on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants made no further payments toward rent and

vacated the unit on or about December 9, 2010. No forwarding address was provided to the landlord(s).

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's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated December 2, 2010. The tenants did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and vacated the unit later in December without informing the landlord(s) of a forwarding address.

As for the monetary order, I find that the landlord(s) has established a claim of \$985.00. This is comprised as follows:

\$35.00: unpaid rent for November 2010

\$25.00: fee for late payment of rent

\$850.00: unpaid rent for December 2010

\$25.00: fee for late payment of rent

\$50.00: filing fee

Sub-total: \$985.00

I order that the landlord(s) retain the security deposit of \$425.00 and I grant the landlord(s) a monetary order under section 67 of the Act for the balance owed of \$560.00 (\$985.00 - \$425.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord(s) in the amount of **\$560.00**. 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: January 11, 2011

Dispute Resolution Officer