

## **Decision**

**Dispute Codes:** MNR, MND, MNSD, FF

### **Introduction**

This hearing dealt with the landlords' application for a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / retention of the security deposit / and recovery of the filing fee. One of the landlords participated in the hearing and gave affirmed testimony.

Despite mailing of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Included in the landlords' evidence is the Canada Post tracking number for the registered mail.

As the tenant has now vacated the unit, the landlords withdrew the original request 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**

Pursuant to a written tenancy agreement, the fixed term of tenancy was from October 3, 2010 to March 25, 2011. Weekly rent is \$461.54, and a security deposit of \$500.00 was collected.

As a result of rent and utilities which were repeatedly not paid when due on the Friday of each week, the landlords issued two separate 10 day notices to end tenancy for unpaid rent or utilities dated, respectively, January 8 and 15, 2011. The notices were served by way of registered mail; copies of the notices and Canada Post tracking numbers for the registered mailings were submitted into evidence. Subsequently, the tenant made no further payments toward rent and the landlords determined on or about January 29, 2011 that the tenant had vacated the unit. The tenant provided no forwarding address for the landlords.

### **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/](http://www.rto.gov.bc.ca/)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlords have established a claim of \$4,561.16, which is comprised as follows:

\$4,511.16: total unpaid rent & utilities combined / and repair of gate

\$50.00: filing fee

Sub-total: \$4,561.16

I order that the landlords retain the security deposit of \$500.00, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$4,061.16 (\$4,561.16 - \$500.00).

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$4,061.16**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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*.

DATE: February 11, 2011

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Residential Tenancy Branch