

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This is an application by the Landlord for a monetary order for unpaid rent or utilities and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

This tenancy began on September 15, 2010 on a fixed term of 1 year until September 15, 2011 based upon the submitted signed tenancy agreement. The Tenant's security deposit cheque and first months rent cheque were returned as NSF from the bank as shown in the submitted evidence. The Tenant ended the tenancy by moving out on October 11, 2010. The monthly rent was \$980.00 payable on the 15<sup>th</sup> of each month and a security deposit of \$440.00 was not paid.

The Landlord states that he served the Tenant in person at their place of work with the notice of hearing documents near the end of October 2010. The Landlord is not sure when, but states that it was during the week following the filing of the application with the RTB on October 25, 2010. The Landlord also states that she sent the notice and evidence documents to the address provided by the Tenant as their forwarding address by registered mail on November 9, 2010. This registered mail package was returned by Canada Post to the sender because of an incomplete address.

The Landlord is claiming \$980.00 for unpaid rent for the time period September 15, 2010 until October 11, 2010 when the Tenant's vacated the rental unit. The Landlord is also seeking \$980.00 for unpaid rent for the time period October 15, 2010 until November 15, 2010 (the time period the Landlord would have received with proper notice). The Landlord states that she made attempts to immediately re-rent the unit, but was unsuccessful.

### Analysis

Based upon the undisputed affirmed testimony of the Landlord, I am satisfied that the Tenant was properly served with the notice and evidence documents. The Landlord has established a claim for \$980.00 for unpaid rent and \$980.00 for compensation for loss of rental income. The Landlord's claim is however limited to the amount set in her application at \$1,796.00. The Landlord is entitled to the recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance of \$1,846.00. 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 \$1,846.00.

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: February 25, 2011.

---

Residential Tenancy Branch