



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served in person on March 18, 2011 with the application for dispute resolution and notice of hearing, the tenants did not appear. As the tenants have now vacated the unit, the landlord's agent withdrew the earlier application for an order of possession.

Issues to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

The original fixed term of tenancy was from April 1 to September 30, 2009. Thereafter, tenancy continued on a month- to-month basis. The initial monthly rent of \$1,100.00 had been increased to \$1,135.20 by the time tenancy ended, and a security deposit of \$550.00 was collected near the start of tenancy.

Arising from rent which remained overdue on March 1, 2011 in the amount of \$1,174.01, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 2, 2011. The notice was served by way of posting on the tenants' door on that same day. Subsequently, the tenants paid a total of \$525.00 by way of installments of \$350.00 on March 8 and \$175.00 on March 21, 2011. The balance owed of \$649.01 (\$1,174.01 - \$525.00) remains outstanding. The tenants are understood to have vacated the unit on or about March 31, 2011 and did not leave a forwarding address.

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 landlord has established a claim of \$699.01. This is

comprised of \$649.01 in unpaid rent, in addition to the \$50.00 filing fee. I grant the landlord a monetary order under section 67 of the Act for this amount.

The landlord's application does not include an application to retain the security deposit. In this regard, the attention of the parties is drawn to the provisions set out in section 38 of the Act which addresses **Return of security deposit and pet damage deposit**, and section 39 of the Act which speaks to the conditions pursuant to which the **Landlord may retain deposits if forwarding address not provided**.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$699.01**. This order may be served on the tenants, 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: April 6, 2011

Residential Tenancy Branch