



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for damage to the unit, site or property and to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the “hearing package”) by personal delivery to the Tenant’s brother on March 7, 2011. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to compensation for unpaid rent and if so how much?
3. Is the Landlord entitled to compensation for damage to the unit and if so how much?

Background and Evidence

This tenancy started on October 1, 2008 as a month to month tenancy. Rent was \$650.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of \$325.00 on October 1, 2008. The tenancy ended on November 30, 2010 when the Tenant abandoned the rental unit.

The Landlord said the Tenant abandoned the rental unit on November 30, 2010 with no notice to the Landlord. The Landlord continued to say there is unpaid rent of \$350.00 for October, 2010, \$650.00 for November, 2010 and \$650.00 for December, 2010 as the Tenant did not give proper notice to end the tenancy. The Landlord also said the Tenant left the unit in an unclean state, but the Landlord is not claiming anything in this application for the cleanup of the rental unit.

Analysis

Section 26 (1) A tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has the right under this Act to deduct all or a portion of the rent.

I find that the Landlord is entitled to recover unpaid rent for October, 2010 in the amount of \$350.00, unpaid rent for November, 2010 of \$650.00 and pursuant to section 45 of the Act, I award the Landlord loss of rental income for December, 2010 of \$650.00 as the Tenant did not give the Landlord proper notice to end the tenancy.

As the Landlord has been successful in this matter, he is also entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Rent arrears	\$1,000.00	
Loss of rental income	\$ 650.00	
Recover Filing Fee	<u>\$ 50.00</u>	
Subtotal		\$1,700.00
Balance Owing		<u>\$1,700.00</u>

Conclusion

A Monetary Order in the amount of \$1,700.00 has been issued to the Landlord. A copy of the Order must be served on the Tenant; the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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*.

Residential Tenancy Branch