



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, MNDC, FF

Introduction

This hearing was convened in response to 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 / and recovery of the filing fee. The landlord's agent attended the hearing and gave affirmed testimony.

Despite the landlord's service of the application for dispute resolution and notice of hearing on the tenant by registered mail, the tenant did not appear. Evidence provided by the landlord includes the Canada Post tracking number for the registered mailing.

As the tenant has now vacated the unit, during the hearing the landlord's agent withdrew the aspect of the application concerning an order of possession.

The landlord's application does not include an application to retain the security deposit.

Issues to be decided

- Whether the landlord 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 month-to-month tenancy began on April 1, 2011. Monthly rent was \$1,025.00 and a security deposit of \$512.50 was required.

While the tenant claimed she provided a monetary order in payment of the first month's rent for April 2011, the landlord's agent testified that no evidence of such payment was ever confirmed.

As the tenant's payment of rent for the second month of tenancy, May 2011, was by way of cheque later determined to be NSF, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 4, 2011. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted into

evidence. Subsequently, the tenant made no payments toward rent and is understood to have vacated the unit around the end of May 2011.

To date, new renters have not been found for the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 4, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and has now vacated the unit.

I further find that the tenant failed to pay rent for the first month of tenancy, April 2011.

As for the monetary order, I find that the landlord has established a claim of \$2,637.50. This is comprised of \$1,025.00 in unpaid rent for April 2011, \$1,025.00 in unpaid rent for May 2011, \$512.50 in loss of rental income for the period from June 1 to 15, 2011, a \$25.00 NSF fee, and the \$50.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,637.50**. 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: June 8, 2011

Residential Tenancy Branch