

Decision

Dispute Codes: MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony.

Despite being served in person on June 22, 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 aspect of the original application concerning an order of possession.

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 fixed term of tenancy is from March 1, 2011 to February 29, 2012. Monthly rent of \$1,150.00 is payable in advance on the first day of each month. A security deposit of \$575.00 was collected.

Arising from rent which was unpaid when due on June 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 7, 2011. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants made no further payment toward rent and vacated the unit on or about July 4, 2011, without providing notice or a forwarding address to the landlord.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated June 7, 2011.

The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Thereafter, the tenants vacated the unit. Following this the landlord found a unit in need of cleaning and repairs and, in the result, new tenants have not presently been placed in the unit.

As for the monetary order, I find that the landlord has established a claim of \$2,350.00. This is comprised of \$1,150.00 in unpaid rent for June, \$1,150.00 in loss of rental income for July, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$575.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,775.00 (\$2,350.00 - \$575.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,775.00**. 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: July 14, 2011

Residential Tenancy Branch