

Decision

Dispute Codes: OPR, MNR, MT, CNC, CNR,

Introduction

This hearing was convened in response to 2 applications: i) by the landlords for an order of possession / and a monetary order as compensation for unpaid rent or utilities; ii) by the tenant for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for cause / and cancellation of a notice to end tenancy for unpaid rent or utilities. The landlords participated in the hearing and gave affirmed testimony.

Despite scheduling of the hearing in response to applications by both parties, and despite personal service of the landlords' application for dispute resolution and notice of hearing on the tenant, the tenant did not appear.

Issues to be decided

- Whether either party is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on May 1, 2011. Monthly rent of \$700.00 is payable in advance on the first day of each month. A security deposit of \$350.00 was collected on April 11, 2011. A move-in condition inspection and report were completed on April 30, 2011.

A previous hearing was held on June 21, 2011. In the result, an order of possession was issued in favour of the landlords to be effective not later than July 31, 2011. During this present hearing, the landlords testified that the tenant has now vacated the unit and, accordingly, the landlords withdrew the aspect of this current application concerning an order of possession.

The remaining issue before me concerns the landlords' application for compensation for unpaid rent. Related to this, the landlords issued a 10 day notice to end tenancy for unpaid rent dated June 2, 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 further payment toward rent paid and is thought to have vacated the unit towards the end of July 2011. The tenant did not provide the landlords with a forwarding address.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlords, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 2, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not attend the hearing scheduled in response to his application to dispute the notice.

As for the monetary order, I find that the landlords have established a claim of \$1,400.00. This is comprised of \$700.00 in unpaid rent for each of the 2 months of June and July 2011.

The landlords have not applied to retain the security deposit or to recover the filing fee for their application.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$1,400.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

The tenant's application is hereby dismissed in its entirety.

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: August 3, 2011

Residential Tenancy Branch