

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order request for unpaid rent, an order to retain all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by registered mail on February 16, 2012 and has submitted into evidence a copy of the Canada Post Registered Mail Customer Receipts. As such, I am satisfied that the Tenant has been properly served with the notice and evidence under the Act.

The Landlord states that the rental unit was viewed by the Landlord on February 20, 2012 and the Landlord is confident that the rental unit has been abandoned. The Landlord states that an order of possession is no longer required as he has possession of the rental. The Landlord's request for an order of possession is withdrawn.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background and Evidence

This Tenancy began on September 1, 2010 on a fixed term tenancy for 6 months and then later on a month to month basis as shown in the submitted copy of the signed tenancy agreement. The current monthly rent is \$843.00 payable on the 1st of each month. A security deposit of \$412.50 was paid on August 12, 2010.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated February 2, 2012 with a stated effective date of February 13, 2012. The notice shows that rent of \$873.00 was due on February 1, 2012 which the Landlord states remains unpaid to the date of this hearing. The Landlord explains that this consists of \$843.00 in unpaid February rent, \$10.00 for the monthly parking fee agreement and \$20.00 for a late rent fee. The Landlord states that section 3 of the signed tenancy agreement provides for a late payment fee of \$20.00.

The Landlord is seeking a monetary order for the recovery of \$843.00 in unpaid February rent, \$10.00 parking fee and a \$20.00 late rent fee for February. The Landlord is also seeking recovery of March rent of \$843.00. The Landlord states that they are a large rental complex that they are constantly advertising to rent. The Landlord states that the rental unit remains unrented as of the date of this hearing on March 5, 2012.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a 10 day notice to end tenancy for unpaid rent. The Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice. The Landlord has established a claim for \$843.00 in unpaid rent for February, a \$10.00 parking fee for February and a \$20.00 late rent fee for February totalling, \$873.00.

The Tenant vacated the rental unit on February 20, 2012 without notice and the unit remains unrented. The Landlord's claim for the entire monthly rent of \$843.00 is premature as it is not possible to determine when the Landlord may be able to re-rent the unit. I do however find that the Landlord has suffered a loss and is entitled to a claim for a portion of the March rent. I grant the Landlord a nominal award of \$421.50 to address the loss of rental income for the first 15 days of March 2012. The Landlord is also entitled to recovery of the \$50.00 filing fee.

I grant the Landlord a monetary order for the balance due of \$1,344.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$1,344.50.

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*.

Dated: March 05, 2012.

Residential Tenancy Branch