



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security & pet damage deposits / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony.

Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail.

The landlord's agent testified that the tenants left the unit on or about March 28, 2012. Accordingly, I consider the application for an order of possession to be withdrawn.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the 1 year fixed term tenancy began on November 27, 2010. Thereafter, tenancy continued on a month-to-month basis. Monthly rent of \$900.00 is payable in advance on the first day of each month. A security deposit of \$450.00 and a pet damage deposit of \$200.00 were collected.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated February 5, 2012. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent, and vacated the unit on or about March 28, 2012 without providing a forwarding address. The landlord's agent testified that cleaning and

removal of rubbish were required after the tenants' departure. Despite continuous on-line advertising, new renters have not yet been found for the unit.

The particulars of the landlords' claim are as follows:

\$900.00: unpaid rent for December 2011 + \$25.00 fee for late payment of rent

\$900.00: unpaid rent for January 2012 + \$25.00 fee for late payment of rent

\$900.00: unpaid rent for February 2012 + \$25.00 fee for late payment of rent

\$900.00: unpaid rent for March 2012 + \$25.00 fee for late payment of rent

\$900.00: loss of rental income for April 2012

\$50.00: filing fee.

Sub-total: \$4,650.00

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated February 5, 2012. 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 on or about March 28, 2012 and left no forwarding address.

As for the monetary order, I find that the landlord has established a claim of \$4,650.00, as detailed above. I order that the landlord retain the security & pet damage deposits in the combined amount of \$650.00 (\$450.00 + \$200.00), and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$4,000.00** (\$4,650.00 - \$650.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$4,000.00**. 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*.

Dated: April 10, 2012.

Residential Tenancy Branch