



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 concerned 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 deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and the notice of hearing by registered mail, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail, and the Canada Post website informs that the package was "successfully delivered."

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 fixed term of tenancy was from August 15, 2010 to August 14, 2011. Thereafter, tenancy continued on a month-to-month basis. Monthly rent of \$825.00 is payable in advance on the first day of each month, and a security deposit of \$412.50 was collected.

Arising from rent which was unpaid when due on March 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 5, 2012. The notice was served by posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is March 16, 2012. Subsequently, the tenants made no further payment toward rent and are thought to have vacated the unit on or about April 8, 2012. The landlord testified that she is unaware of a forwarding address having been provided to either her or her property manager. As the tenants have vacated the unit, the landlord withdrew her application for an order of possession. The landlord testified that certain cleaning and repairs are required in the unit and new tenants will take possession on May 15,

2012. The landlord presented no evidence that the tenants were responsible for the cleaning and repairs.

Finally, the landlord testified that a previous hearing was held in regard to this tenancy with a decision issued by date of April 3, 2012 (file # 788706).

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated March 5, 2012. The tenants did not pay the outstanding rent within 5 days of receiving the notice and their application to have the notice set aside was dismissed in the decision issued on April 3, 2012, as above. As previously noted, the tenants vacated the unit on or about April 8, 2012.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$1,287.50, which is comprised as follows:

\$825.00: unpaid rent for March

\$412.50: loss of rental income for ½ the month of April

\$50.00: filing fee

I order that the landlord retain the security deposit of \$412.50, and I grant the landlord a monetary order for the balance owed of \$875.00 (\$1,287.50 - \$412.50).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$875.00**. Should it be necessary, 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 19, 2012.

Residential Tenancy Branch