



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, MNSD, FF

### Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on March 8, 2012, the tenants did not appear.

### Issue(s) to be Decided

Whether the landlord is entitled to 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 February 15, 2011 to February 15, 2012. The agreement provides that at the end of the fixed term the tenants must vacate the unit. Monthly rent of \$1,250.00 is due and payable on the first day of each month, and the agreement provides that rent does not include utilities. A security deposit of \$625.00 was collected, and a move-in condition inspection report was completed with the participation of both parties.

Arising from rent which was not paid when due on April 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated May 1, 2011. The notice was served in person on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward either rent or utilities and vacated the unit without notice on or about May 10, 2011.

While the tenants did not provide a forwarding address after vacating the unit, the landlord was able to confirm their new residential address and service of the hearing package was undertaken at that address.

The landlord testified that new renters were found for the unit effective June 1, 2011.

### 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 or utilities dated May 1, 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 on or about May 10, 2011.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$2,978.21, comprised as follows:

- \$1,250.00: unpaid rent for April 2011
- \$1,250.00: unpaid rent / loss of rental income for May 2011
- \$428.21: unpaid utilities (Fortis gas)
- \$50.00: filing fee

I order that the landlord retain the security deposit of \$625.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,353.21 (\$2,978.21 - \$625.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,353.21**. 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: May 09, 2012.

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Residential Tenancy Branch