



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent (loss of rental income) / 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 notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number 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 the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the month-to-month tenancy began on March 1, 2012. Monthly rent of \$1,050.00 is due and payable on the first day of each month, and a security deposit of \$525.00 was collected. There is no move-in condition inspection report in evidence.

Arising from rent which was not paid when due on April 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent and is thought to have vacated the unit on or about April 29, 2012. The tenant provided no forwarding address, and the landlord testified that cleaning and limited repainting of the unit are required as a result of the short tenancy. There is no move-out condition inspection report in evidence.

As the tenant no longer resides in the unit, the landlord withdrew the application for an order of possession.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated April 7, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and vacated the unit on or about April 29, 2012.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$1,625.00, comprised as follows:

\$1,050.00: unpaid rent for April 2012

\$525.00: unpaid rent / loss of rental income for the period May 1 - 15, 2012

\$50.00: filing fee

I order that the landlord retain the security deposit of \$525.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,100.00 (\$1,625.00 - \$525.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,100.00**. This order may be served on the tenant, 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.

Residential Tenancy Branch