



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, OPL, 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 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."

As the tenant vacated the unit on May 10, 2012, the landlord withdrew his application for an order of possession.

### 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 month-to-month tenancy began on November 1, 2011. Monthly rent of \$1,400.00 is due and payable on the first day of each month, and a security deposit of \$700.00 was collected.

By letter dated February 1, 2012, the landlord requested that the tenant vacate the unit by March 31, 2012. From the landlord's perspective this letter was the equivalent of 2 months' notice to end tenancy. No particular reasons for ending the tenancy were identified in the landlord's letter. The tenant responded by letter dated March 1, 2012, informing the landlord that a 2 months' notice dated March 1, 2012 would lead to an end date of tenancy of May 31, 2012.

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 April 3, 2012. 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.

Thereafter, on April 9, 2012 the parties signed a Mutual Agreement to End a Tenancy effective April 30, 2012.

Subsequent to all of the above, the tenant made no further payment toward rent and, as earlier noted, she vacated the unit on May 10, 2012. The landlord testified that the tenant has not presently provided a forwarding address. Finally, the landlord testified that the unit will be demolished and that new construction will be undertaken on the site.

### 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 3, 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 May 10, 2012.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$3,301.60, which is comprised as follows:

\$1,400.00: unpaid rent for March 2012

\$1,400.00: unpaid rent for April 2012

\$451.60: unpaid rent for the 10 day period from May 1 -10, 2012

$\$1,400.00 \text{ (monthly rent)} \div 31 \text{ (\# days in May)} = \$45.16 \text{ (daily rent)}$

$\$45.16 \text{ (daily rent)} \times 10 \text{ (\# days of tenancy in May)} = \$451.60$

\$50.00: filing fee

I order that the landlord retain the security deposit of \$700.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,601.60 ( $\$3,301.60 - \$700.00$ ).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,601.60**. 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 23, 2012.

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Residential Tenancy Branch