



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 was scheduled in response to the landlord's original application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord's agent 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 provided by the landlord includes the Canada Post tracking number for the registered mail.

During the hearing the landlord's agent testified that the tenant vacated the unit on or about May 15, 2012, and left the country without providing a forwarding address. In the result, the landlord's agent withdrew the application for an order of possession.

During the hearing the landlord's agent's request to amend to the original application to include retention of the security deposit was granted.

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 term of tenancy was from December 16, 2009 to December 31, 2010. Thereafter, tenancy continued on a month-to-month basis. Monthly rent of \$3,200.00 is due and payable in advance on the first day of each month, and a security deposit of \$1,600.00 was collected.

The landlord's agent testified that the history of rental arrears is as follows:

\$180.00: December 1, 2010
\$3,200.00: June 1, 2011
Sub - total: \$3,380.00

PAYMENT FROM TENANT: \$3,210.00 on December 28, 2011

\$170.00: balance remaining overdue (\$3,380.00 - \$3,210.00)

\$3,200.00: March 1, 2012

\$3,200.00: April 1, 2012

\$1,600.00: May 1-15, 2012

Total: \$8,170.00

The landlord issued a 10 day notice to end tenancy for unpaid rent dated April 2, 2012. The notice was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. Subsequently, the tenant made no further payment toward rent and, as earlier noted, the tenant vacated the unit on or about May 15, 2012. New renters have been found effective June 1, 2012.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established entitlement to a total claim of \$8,270.00, which is comprised of unpaid rent as set out above, in addition to the \$100.00 filing fee (\$8,170.00 + \$100.00). I order that the landlord retain the security deposit of \$1,600.00, and I grant the landlord a monetary order for the balance due of \$6,670.00 (\$8,270.00 - \$1,600.00).

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$6,670.00**. Should it be necessary, 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 28, 2012.

Residential Tenancy Branch